

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943

Bail Appl..No.3184 OF 2021

CRIME NO.1444/2020 OF Aroor Police Station , Alappuzha

PETITIONER:

XXXX  
AGED 37 YEARS  
XXX  
688534

BY ADVS.  
SRI.GEO PAUL  
SRI.C.R.PRAMOD  
SRI.RADHIKA RAJASEKHARAN P.  
SHRI.NAVEEN T.U.

RESPONDENT:

STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA  
ERNAKULAM-682031

R1 BY PUBLIC PROSECUTOR SRI.M.R.DHANIL

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**ORDER**

**Dated this the 30th day of April 2021**

This is an application filed u/s 438 of Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the 2<sup>nd</sup> accused in Crime No.1444/2020 of Aroor Police Station. The offences alleged are under Sections 506(ii) of IPC and Sections 9(1), 9(n), 10 r/w 12 of the POCSO Act and Section 75 of the Juvenile Justice (Care and Protection) Act.

3. The prosecution case in short is that from 1.3.2020 to 31.3.2020, the 1<sup>st</sup> accused, who is the uncle of the victim committed sexual harassment against the victim by touching her private parts when the 1<sup>st</sup> accused, victim and the petitioner stayed together at the rented house at Aroor. The allegation against the petitioner is that she concealed the act of sexual abuse of the 1<sup>st</sup> accused on her minor daughter and intimidated the minor girl, when she disclosed the sexual harassment to her.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and she has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime

and hence she is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. A reading of the case records would show that the main allegation is against the 1<sup>st</sup> accused. The only allegation against the petitioner is that she concealed the sexual assault by the 1<sup>st</sup> accused towards the victim. The victim is now residing with his father at Portblayer. The relationship between the petitioner and her husband is not cordial. Annexure 1 would show that the husband of the petitioner issued a lawyer notice seeking divorce. In the said notice, there is no allegation that she knowingly concealed the sexual assault by the 1<sup>st</sup> accused. The 1<sup>st</sup> accused has already been granted bail. Considering the allegations levelled against the petitioner, her custodial interrogation does not appear to be necessary. For all these reasons, the petitioner is entitled to pre-arrest bail on conditions.

In the result, the application is allowed on the following conditions:-

- (i) The petitioner shall be released on bail

in the event of her arrest on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The petitioner shall fully co-operate with the investigation, including subjecting herself to the deemed police custody for the purpose of discovery, if any, as and when demanded.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court.

**Sd/-**

**DR. KAUSER EDAPPAGATH**

**JUDGE**

