

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

FRIDAY, THE 20TH DAY OF DECEMBER 2019 / 29TH AGRAHAYANA, 1941

CRL.A.No.1507 OF 2019

AGAINST THE ORDER/JUDGMENT IN CRMP 2263/2019 DATED 10-12-2019
OF ADDITIONAL DISTRICT COURT & SESSIONS COURT (ATROCITIES &
SEXUAL VIOLENCE AG

CRIME NO.2452/2019 OF Peroorkada Police Station ,
Thiruvananthapuram

APPELLANT/S:

SAJEEV KUAMR S.L
AGED 50 YEARS
S/O SUKUMARAN NAIR, PICHIMANGALAM,
KOLIYAKODE.P.O, THIRUVANANTHAPURAM.

BY ADVS.
SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY
SRI.D.FEROZE
SRI.K.ANAND (A-1921)

RESPONDENT/S:

STATE OF KERALA
REP.BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031 (CRIME
NO.2452/2019 OF PEROORKADA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT) .

R1 BY SMT.AMBIKA DEVI S, SPL.GP ATROCITIES
AGAINST WOMEN AND CHILDREN AND WELFARE OF W AND C

OTHER PRESENT:

SRI. K. B. UDAYAKUMAR PP

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON
20.12.2019, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ALEXANDER THOMAS, J.

Crl.Appeal No.1507 of 2019

Dated this the 20th day of December, 2019

JUDGMENT

The plea of the appellant for grant of regular bail has been rejected by the Sessions Court concerned as per the impugned order dated 10.12.2019. Aggrieved thereby, the appellant has filed the instant Criminal Appeal under Section 14A of the SC/St (Prevention of Atrocities) Act, 1989 as amended. The appellant has been arrayed as the sole accused in the instant Crime No.2452/2019 of Peroorkada Police Station, Thiruvananthapuram, which has been registered for offences punishable under Sections 7, 8, 9b(iv) and 10 of the Protection of Children from Sexual Offences Act, 2012. The crime has been registered on the basis of the First Information Statement given by the minor victim girl, aged 16 years on 28.11.2019 at about 4 p.m. (crime registered on the same day at 6.55 p.m.), in respect of the alleged incident which happened on 26.11.2019 at about 5 p.m.

2. The brief of the prosecution case is that the appellant/accused, aged 50 years, who is working as a Asst. Sub Inspector of Police, is living in the same Police Quarters complex, where the minor victim girl, aged 16 years and her parents are residing and that when the minor victim girl had come to the appellant's Police Quarters on 26.11.2019 at about 5 p.m., for obtaining a list in

connection with some meeting, which conducted for the residents, the appellant had made sit on her his lap and asked her whether he could give her a kiss etc. and thereby he has committed the above said offences. Consequently, the appellant has been surrendered and he has been remanded on 2.12.2019 and thereafter, he is under custody since then.

3. The learned Public Prosecutor has opposed the plea for regular and has pointed out that there is every possibility of the appellant intimidating and influencing the minor victim girl, if he is let off on bail, as he is living in the immediate vicinity of the quarters of the girl's parents.

4. After hearing both sides and after careful evaluation of the facts and circumstances of the case and taking note of the nature of the allegations disclosed in this case and also taking into account the fact that the appellant has already suffered detention in this case on 2.12.2019, further incarceration of the appellant could be avoided , so that he could be released on regular bail subject to stringent conditions. However, taking note of the above said apprehension raised by the prosecution, it is ordered as a safeguard that the appellant shall not enter into or reside anywhere within the territorial limits of the Police Station where the minor victim girl is residing or studying until the conclusion of the trial process, subject to certain exceptions which will be dealt with hereinafter. Accordingly, it is ordered that the appellant/accused shall be released on bail on his executing a bond for Rs.40,000/- (Rupees Forty Thousand only) and on his furnishing two solvent sureties each for the like sum both to the satisfaction of the competent court concerned. However, the above order shall be subject to the

following conditions:

- (i). *The appellant will report before the Investigating Officer concerned at any time between 10:00 a.m. and 12:00 noon on every 2nd and 4th Saturdays for the next 3 months. Thereafter the petitioner shall report before the Investigating Officer as and when directed by him.*
- (ii). *The appellant shall not intimidate or attempt to influence the defacto complainant/victim, witnesses; nor shall tamper with the evidence.*
- (iii). *The appellant shall not commit any similar offence while on bail.*
- (iv). *The appellant shall not enter into or reside anywhere within the limits of the Police Station within whose limits the minor victim girl is residing or studying, until the conclusion of the trial process, except for the limited purpose of reporting before the Investigating Officer in this case or in any other crimes and for attending to the courts in connection with this case or any other cases or for contacting his advocate/lawyer, etc.*
- (v). *However, if there is any genuine need, the appellant may temporarily enter into the said Police Station limit but only with due permission of the Investigating Officer.*

In case of violation of any of the above conditions, the jurisdictional Court concerned will stand hereby empowered to consider the application for cancellation of bail, if required, and pass appropriate orders in accordance with the law.

With these observations and directions, the above Criminal Appeal will stand disposed of.

sd/-

ALEXANDER THOMAS, JUDGE.

acd

