

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 29TH DAY OF MARCH 2022 / 8TH CHAITHRA, 1944

BAIL APPL. NO. 2594 OF 2022

CRIME NO.297/2017 OF NEDUMBASSERY POLICE STATION, Ernakulam

AGAINST THE ORDER/JUDGMENT IN Bail Appl. 3409/2021 OF HIGH

COURT OF KERALA

PETITIONER/S:

SUNIL N.S
AGED 33 YEARS
SON OF SURENDRAN,
NEDUIVALIKKUDI, ELAMPAKKAPPILLY, VRNGOOR,
KOOVAPPADY, ERNAKULAM, PIN - 683544

BY ADVS.
V.V.PRATHEEKSH KURUP
SIKHA S.NAIR

RESPONDENT/S:

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

BY ADV SR.PUBLIC PROSECUTOR, SMT.DEEPA NARAYANAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A. No. 2594 of 2022

Dated this the 29th day of March, 2022

O R D E R

This bail application is filed by the 1st accused in Crime No. 297/2017 of Nedumbassery Police Station, Ernakulam. The above case is registered against the petitioner and others alleging offence punishable under Secs.342, 366, 376D, 506(i), 212, 201, 120(b) r/w 34 IPC. The offence under Secs.66E and 67A of the Information Technology Act, 2000 is also alleged.

2. The prosecution case is that as a part of conspiracy arrived between the accused persons, the victim was abducted and subjected to a brutal sexual abuse in a running car.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The learned counsel for the petitioner reiterated his

contentions in the bail application. The counsel submitted that the petitioner is in jail for the last 5 years and 1 month. The counsel submitted that the trial is even now not concluded. The counsel also submitted that the lower court itself filed an application for extension of time before Supreme Court for finishing the trial and therefore, the trial will again delayed. The counsel also submitted that the petitioner is ready to abide any conditions, if this Court grant him bail.

5. The learned Public Prosecutor seriously opposed the bail application. The Public Prosecutor submitted that the main witnesses are already examined and the trial is in the fag end. The Public Prosecutor also submitted that a strong prima facie case is made out against the petitioner in the trial and therefore, this Court may not entertain the bail application, at this stage.

6. After hearing both sides, I think this is not a fit case in which the petitioner can be released on bail, at this stage. This Court considered this matter in detail in the earlier bail application filed by the petitioner. The trial court also considered this matter in detail in the bail order produced as

Annexure-6. There is no change of circumstances. The Public Prosecutor submitted that the trial is in the fag end. Moreover, it is also submitted that a further investigation is also going on. One of the ground mentioned in the bail application for getting bail is that, there is threat to the life of the petitioner in jail. If there is any such threat, jail authorities will do the needful. That is not a ground to release the petitioner on bail. Similarly, in a serious case like this, in which there are specific allegations against the petitioner, it is not appropriate to release the petitioner on bail. It will convey a wrong signal to the society.

In such circumstances, I think the petitioner is not entitled bail pending trial.

Therefore, this bail application is dismissed.

SD/-

P.V.KUNHIKRISHNAN
JUDGE