

IN THE COURT OF SESSION, ERNAKULAM DIVISION

Present:-

Sri.Shibu Thomas, II Additional Sessions Judge
Tuesday, 22nd day of March, 2022/1st Chaitram, 1943

Cri.M.C. No. 634/2022

(Crime No.163/2022 of Cheranelloor Police Station)

Petitioner/Accused

Sujeesh, aged 32 years, S/o.Suresh, Pothattiparambil House,
Ammancherry Lane, Alinchuvadu, Vennala, Edappally South Village.

By Advs. Sri. Geo Paul and Sri. C.R. Pramod

Respondent/Complainant/State

State of Kerala represented by the S.I. of Police, Cheranelloor Police Station
through the Public Prosecutor, Sessions Court, Ernakulam.

By Public Prosecutor Sri.T.P. Ramesh

This petition filed u/s.439 of Cr.P.C., praying this Court to grant
regular bail to the petitioner.

This petition coming on for hearing on 21.03.2022 and the court on
22.03.2022 passed the following:

ORDER

This is an application for regular bail filed u/s.439 of CrPC. Petitioner
is the accused in Crime No.163/2022 of Cheranelloor Police Station. The
offence alleged against the petitioner is u/s. 376 IPC.

2. The case of the prosecution is that petitioner is the proprietor of a
studio named INKFECTED TATTOO situated at Kunnumpuram,
Cheranelloor on 09/11/2021 at about 10 a.m., the petitioner committed rape

on defacto complainant at the tattoo studio, thereby the accused alleged to have committed the aforesaid offences.

3. The learned counsel for the petitioner submitted that the petitioner/accused is innocent of the offences alleged against him and he has been falsely implicated in the case.

4. The learned Public Prosecutor opposed the bail application, contending that the petitioner has involved in similar other cases. A foreign woman is the informant in one of the crimes.

5. Heard both sides and perused the records.

6. The petitioner/accused was arrested on 06/03/2022 and since then he is in judicial custody. The report further shows that the investigation is in preliminary stage and the petitioners has similar several cases. One of the victim is a foreign woman. The incident happened on 09/11/2021 and the complaint was filed only on 04/03/2022. Since there is a delay of 4 months in filing the complaint, I am not inclined to grant bail to the petitioner at this stage considering the nature of offence and strong similar antecedents of petitioner and stage of investigation. Granting of bail to the petitioner at this stage may affect smooth progress of the investigation and possibility of the petitioner influencing the witnesses and interfering with the investigation cannot be ruled out. So, considering the nature and gravity of the offence alleged and the stage of the investigation, I am of the view that the petitioner cannot be released on bail at this stage. This application deserves to be

dismissed.

In the result, the petition is dismissed.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open court on this the 22nd day of March, 2022.

Shibu Thomas
Addl. District & Sessions Judge-II

ms/-
Comp.

Crl. M.C. No. 634/2022
Order dated : 22.03.2022

IN THE COURT OF SESSION, ERNAKULAM DIVISION

Present:-

Sri.Shibu Thomas, II Additional Sessions Judge
Tuesday, 22nd day of March, 2022/1st Chaitram, 1943

Cri.M.C. No. 633/2022

(Crime No.164/2022 of Cheranelloor Police Station)

Petitioner/Accused

Sujeesh, aged 32 years, S/o.Suresh, Pothattiparambil House,
Ammancherry Lane, Alinchuvadu, Vennala, Edappally South Village.

By Advs. Sri. Geo Paul and Sri. C.R. Pramod

Respondent/Complainant/State

State of Kerala represented by S.I. of Police, Cheranelloor Police Station
through the Public Prosecutor, Sessions Court, Ernakulam.

By Public Prosecutor Sri.T.P. Ramesh

This petition filed u/s.439 of Cr.P.C., praying this Court to grant
regular bail to the petitioner.

This petition coming on for hearing on 21.03.2022 and the court on
22.03.2022 passed the following:

ORDER

This is an application for regular bail filed u/s.439 of CrPC. Petitioner
is the accused in Crime No.164/2022 of Cheranelloor Police Station. The
offence alleged against the petitioner is u/s. 376 IPC.

2. The case of the prosecution is that petitioner is the proprietor of a
studio named INKFECTED TATTOO situated at Kunnumpuram,

Cheranalloor on 21/06/2021 at 12 noon, the petitioner committed rape on defacto complainant at the tattoo studio, thereby the accused alleged to have committed the aforesaid offences.

3. The learned counsel for the petitioner submitted that the petitioner/accused is innocent of the offences alleged against him and he has been falsely implicated in the case.

4. The learned Public Prosecutor opposed the bail application, contending that the petitioner has involved in similar other cases. A foreign woman is the informant in one of the crimes.

5. Heard both sides and perused the records.

6. The petitioner/accused was arrested on 06/03/2022 and since then he is in judicial custody. The report further shows that the investigation is in preliminary stage and the petitioners has similar several cases. One of the victim is a foreign woman. The incident happened on 21/06/2021 and the complaint was filed only on 04/03/2022. Though there is a delay of 8 months in filing the complaint, I am not inclined to grant bail to the petitioner at this stage considering the nature of offence and strong similar antecedents of petitioner and stage of investigation. Granting of bail to the petitioner at this stage may affect smooth progress of the investigation and possibility of the petitioner influencing the witnesses and interfering with the investigation cannot be ruled out. So, considering the nature and gravity of the offence alleged and the stage of the investigation, I am of the view that the petitioner

cannot be released on bail at this stage. This application deserves to be dismissed.

In the result, the petition is dismissed.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open court on this the 22nd day of March, 2022.

Shibu Thomas
Addl. District & Sessions Judge-II

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Crl. M.C. No. 633/2022
Order dated : 22.03.2022