

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 25TH DAY OF MARCH 2022 / 4TH CHAITHRA, 1944

BAIL APPL. NO. 2264 OF 2022

CRIME NO.72/2022 OF UDUMBANCHOLA POLICE STATION, Idukki

PETITIONER/ACCUSED:

P.V. ELDHOSE @ BENNY VARGHESE
AGED 54 YEARS
SON VARGHESE, PUKADIYIL HOUSE,
SWARGAMEDU BHAGAM, VATTAPPARA KARA,
KANTHIPPARA VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT, PIN - 685554
BY ADVS.
C.P.UDAYABHANU
NAVANEETH.N.NATH

RESPONDENT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031
- 2 SUB INSPECTOR OF POLICE
UDUMBANCHOLA POLICE STATION,
IDUKKI, PIN - 685553
BY SMT.SEETHA S. -SR. PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused in Crime No.72/2022 of Udumbanchola Police Station. The offences alleged are under Sections 376(2)(n) and 506(i) of IPC.

3. The prosecution case in short is that the petitioner sexually assaulted the victim on several occasions between September, 2017 to November, 2017 at Swargamedu Resort, Adimaly after giving her a false promise of marriage and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he 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 he is entitled to get bail. The learned Public Prosecutor opposed the bail application.

6. A reading of the first information statement would show that the victim is a married woman having a married daughter. The first information statement would further show that the victim is voluntarily residing along with the petitioner in the resort mentioned above for a pretty long period. The petitioner was arrested on 4.2.2022. The investigation is over and the final report has been filed. In view of the nature of the crime and the fact that the investigation is over, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. For all these reasons, the petitioner is entitled to be released on bail on conditions.

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

- (i) The petitioner shall be released on bail 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 jurisdictional Magistrate/Court.

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

(iii) 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.

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

Sd/-

**DR. KAUSER EDAPPAGATH
JUDGE**

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