

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K. BABU

TUESDAY, THE 28TH DAY OF MARCH 2023 / 7TH CHAITHRA, 1945

CRL.MC NO. 2630 OF 2023

CRIME NO.336/2023 OF Chirayinkeezhu Police Station,

Thiruvananthapuram

AGAINST THE ORDER/JUDGMENTCRMP 612/2023 OF ADDITIONAL DISTRICT

COURT & SESSIONS COURT (ATROCITIES & SEXUAL VIOLENCE AG

PETITIONER/ACCUSED:

NITHINRAM R S

AGED 18 YEARS

S/O RAMKRISHNAN N, RESIDING AT KEEZHATHIL PUTHEN VEEDU,
NEAR LMS CHURCH, ATTINGAL P.O, ATTINGAL AVANAVANCHERI,
THIRUVNANTHAPURAM, PIN - 695 101.

BY ADVS.

NAVANEETH.N.NATH

SANEL CHERIAN

K.S.STEJO

ABHIRAMI S.

RESPONDENT/COMPLAINANT:

STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN - 682 031

BY ADV PUBLIC PROSECUTOR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON
28.03.2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.BABU, J.

Crl.M.C No.2630 of 2023

Dated this the 28th day of March, 2023

ORDER

The prayers in this Crl.M.C are as follows;

- 1) Pass an order to modify Annexure A2, interim bail granted to the petitioner as an absolute bail.*
- 2) Pass an order to delete the 1st condition imposed upon the petitioner in Annexure A2 bail order to surrender before the Superintendent of Sub Jail, Attingal at 3:30 PM on 30.03.2023 while granting interim bail to the petitioner and to declare that such a condition is onerous and unreasonable and is liable to be set-aside.*
- 3) And also to grant such other relief's this Hon'ble Court may deem fit and proper in the interest of justice.*

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

3. The petitioner is the accused in Crime No.336/2023 of Chirayankeezhu Police Station. The offences alleged are punishable under Sections 450, 376(2)(n), 361 r/w Section 363, 342, 354-A (1)(i) of IPC and Section 5(I) r/w Section 6, Section 7 r/w Section 8 of the

Protection of Children from Sexual Offences Act,2012.

4. The petitioner has been in Judicial Custody since 07.03.2023. The petitioner filed CrL.M.P 612/2023 before the Additional Session Court for the trial of cases relating to Atrocities and Sexual Violence against Women and Children, Thiruvananthapuram seeking regular bail. The Court below disposed of the bail application, the operative portion of which reads thus;

- a) Interim bail is granted to the petitioner till 30.03.2023 at 3.00 PM. The petitioner shall surrender before the Superintendent of Sub Jail Attingal at 3.30 PM on 30.03.2023.*
- b) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties for like sum.*
- c) The petitioner shall not influence or threaten the witnesses including the victim.*
- d) The petitioner shall not have any form of communication or interaction with the victim*
- e) The petitioner shall not enter the place of abode of the victim.*
- f) The petitioner shall not involve similar type of*

offence while on bail.

g) The Copy of Hall Ticket is enclosed herewith for appropriate action and compliance of the order.

5. The learned counsel for the petitioner submitted that the trial Court has not considered the merits of the regular bail application filed by the petitioner, instead the Court granted only interim bail and disposed of the same. The petitioner has been directed to surrender before the Superintendent of Sub Jail, Attingal on 30.03.2023. As the petitioner filed an application seeking regular bail the Court below ought to have considered the entitlement of the petitioner to have regular bail.

6. Therefore, the Crl.M.P No.612/2023 is restored to file. The trial Court is directed to consider the entitlement of the petitioner for regular bail before 30.03.2023.

This Crl.M.C is disposed of as above.

**Sd/-
K.BABU,
JUDGE**

APPENDIX OF CRL.MC 2630/2023

PETITIONER'S ANNEXURES

Annexure A1 TRUE COPY OF THE BAIL APPLICATION FILED AS CRL.M.P NO.612/2023 IN CRIME NO.336/2023.

Annexure A2 TRUE COPY OF THE ORDER PASSED BY THE HON'BLE ADDITIONAL SESSIONS JUDGE FOR THE TRIAL OF CASES RELATING TO ATROCITIES AND SEXUAL VIOLENCE AGAINST WOMEN AND CHILDREN, THIRUVANANTHAPURAM IN CRL.M.P NO.612/2023 IN CRIME NO.336/2023 OF CHIRAYANKEEZHU POLICE STATION DATED 13.03.2023

Annexure A3 A TRUE COPY OF THE REMAND REPORT DATED 08/03/2023.