

IN THE COURT OF THE FAST TRACK SPECIAL JUDGE, HARIPAD

Present: Hareesh G., Special Judge

Saturday the 5th day of July, 2025

CMP No.157/2025 In S.C No.1206/2022

(Crime No.373/2022 of the police Station at Ambalappuzha.)

Petitioner/1st Accused : Vishnu Dev, Age 22/22, S/O Ravi Kumar, Choorachirayil veedu, Society padi Bhagam, Payipra Kara, Muvattupuzha Taluk.

(By Adv.Sri.Shemil)

Cr. Petitioner/Complainant : State of Kerala - represented by S.I. of Police, Ambalappuzha Police Station.

(By Special Public Prosecutor, Haripad)

Proceedings : Application for bail.

Order : ***Dismissed***

This petition having been finally heard on 03/07/2025 and the Court on this day passed the following:

ORDER

(1) This is an application filed by the Counsel for the accused in the above numbered case S.C No.1206/2022. The said case is registered against the accused persons alleging commission of the offences punishable u/Ss.363,366-A,212, 376(2(n) r-W S. 34 of the Indian Penal Code (For Short I.P.C) and S. 4(1) r/W 3(a), S.6 r/W S.5(I), S.8 r/WS7, and S.16 of the Protection of Children from Sexual Offences Act.(For short PoCSO Act)

- (2) The fact stated in the application are as follows:- The accused is falsely implicated in the case alleging commission of the offences punishable u/Ss.363,366-A,212, 376(2(n) r-W S. 34 of the Indian Penal Code and S. 4(1) r/W 3(a), S.6 r/W S.5(l), S.8 r/WS7, and S.16 of the Protection of Children from Sexual Offences Act.
- (3) The accused has not committed any of the said offences alleged in the case. The petitioner / accused has got sound and solvent sureties. If the petitioner /accused is released on bail he will appear before the Court without fail. The petitioner is ready to abide by the conditions imposed by the Court. Therefore the accused /petitioner is to be enlarged on bail. Hence the application.
- (4) Heard the counsel for the petitioner. The counsel for the petitioner argued that the accused is ready to abide any conditions for getting enlarged on bail. The counsel for the accused also argued that the accused is ready to furnish sound that solvent sureties.
- (5) The prosecution allegation in the case is as follows: - The petitioner/ first accused was in love affair with the victim girl. Then as per the information furnished by the second accused, who is the husband of the CW2 and also the brother -in- law of the victim girl, the first accused in between 12.00 pm and 12.15 pm on 15/05/2022 took the victim girl from the Government TD Medical College at Vandanam to the house in ward 12 of Narananmuzhi Grama Panchayat at Ranny.

Then the first accused indulged in sexual intercourse with the victim girl several time while they stayed in the said house for a period one and half month commencing from 17/05/2022. Thereafter the first accused/petitioner also had sexual intercourse with the victim girl in the building bearing NO. VII/158 of Pazhavangadi Greemapanchayat of Pazhavangadi village. Thus the accused have committed the offence punishable u/Ss.363,366-A,212, 376(2(n) r-W S. 34 of the Indian Penal Code and S. 4(1) r/W 3(a), S.6 r/W S.5(l), S.8 r/WS7, and S.16 of the Protection of Children from Sexual Offences Act.

- (6) In this case the final report was filed before the Additional District & Sessions Court-1 (Special Court for POCSO Act cases) Alappuzha. The petitioner/accused here in was in custody when the said Court took cognizance of the offences. Thereafter the case was made over to this Court for disposal. The petitioner/accused was released on bail by this Court 5/09/2023. Then during the pendency of this case the first accused/petitioner went in to hiding and therefore non-ailable warrant was issued against the accused.
- (7) Later it is reported that the petitioner /accused was in judicial custody in another case and therefore production warrant was issued to produce the accused. Then again the first accused/petitioner was released on bail on 28/10/2024, thereafter the first accused/petitioner again went into hiding and therefore the case against him was split up transferred to the register of L.P cases as LP No. 13/25.

- (8) Thereafter the accused was arrested and produced before the Court on 15/05/2025 and he was remanded to judicial custody.
- (9) Meanwhile the case against the second accused has been tried and the said case is posted for the final hearing.
- (10) The conduct of the petitioner/1st accused shows that he was got only scant regard to the Court proceedings. The petitioner never cared to cooperate with the trial of the case and he continuously absconded. The trial of the case is delayed due to non co-operation of the petitioner and had the petitioner did not abscond trial of the case could have been completed much earlier. From the conduct of the petitioner it is discernible that if he is enlarged on bail there is every chance for him to abscond again. The allegations in the present cases are of very serious in nature. Therefore it is found that the petitioner is not entitled to be released on bail. Therefore the application cannot be allowed. In the result the application is dismissed.

Dictated to the Confidential Asst. typed by him directly on the computer corrected and pronounced by me in open court on this the 5th day July , 2025.

**Special Judge,
Fast Track Special Court,
Haripad.**

CMP No.157/2025 In S.C
No.1206/2022

DATE : 05/07/2025

Order pronounced on:
05/07/2025

Order hand over to Bench Clerk
on:

05/07/2025

Special Judge,
Fast Track Special Court,
Haripad.