

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 15TH DAY OF JULY 2022 / 24TH ASHADHA, 1944

BAIL APPL. NO. 5421 OF 2022

CRIME NO.663/2022 OF THRISSUR TOWN WEST POLICE STATION, THRISSUR

PETITIONER/ ACCUSED :

SREEJITH T.R.,
AGED 45 YEARS,
S/O. RAVEENDRANATHAN,
THATTAMPARAMBIL HOUSE,
MOORKKANIKKARA, P.O.KOZHUKULLY,
THRISSUR DISTRICT,
PIN - 680 752

BY ADVS.

SRI.P.VIJAYA BHANU (SR.)
SRUTHY N. BHAT
P.M.RAFIQ
M.REVIKRISHNAN
AJEESH K.SASI
RAHUL SUNIL
SRUTHY K.K

RESPONDENT/ COMPLAINANT :

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

BY SRI.GRASHIOUS KURIAKOSE, ADDL.DIRECTOR GENERAL OF
PROSECUTION

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A.No.5421 of 2022

Dated this the 15th day of July, 2022

ORDER

This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.663/2022 of Thrissur Town West Police Station, Thrissur alleging offences under Section 509 of the Indian Penal Code, 1860 and Section 12 r/w Section 11(1) of the Protection of Children from Sexual Offences Act, 2012.

3. Prosecution case is that on 04.07.2022 at around 3.20 p.m., petitioner is alleged to have indulged in an act of exhibitionism by taking out his male organ and caressing it in front of two young school going girls. Pursuant to the complaint received from the victims, a crime was registered as mentioned above and after identifying the accused, petitioner was arrested on 07.07.2022. The application for bail filed by the petitioner was dismissed by the learned Sessions Judge pursuant to which, this application is filed seeking regular bail.

4. Sri.P.Vijayabhanu, the learned Senior Counsel duly assisted by Adv.Sruthy N Bhat submitted that the petitioner has been detained since 07.07.2022 and the offences alleged against him do not entail longer

detention. It was further submitted that the petitioner has been under treatment of a Specialist for personality disorder since 2016 as evident from Annexure B. It was submitted that taking into reckoning the peculiar circumstances, petitioner ought to be released on bail.

5. Sri.Grashious Kuriakose, the learned Additional Director General of Prosecution submitted that subject to appropriate measures for preventing recurrence of such offensive acts, the State has no objection in the grant of bail.

6. I have perused the records produced as well as the medical certificate. The medical certificate issued by a Consultant Neuro Psychiatrist dated 07.07.2022 reveals that petitioner is suffering from a behavioural personality disorder in which exhibitionism is a symptom/sign. It is further stated that though petitioner had undergone psychotherapy till 2019, he is out of review since 2020.

7. The medical certificate reveals that petitioner needs medical attention. The parents and the spouse of the petitioner have expressed their willingness to do the needful. They were in fact providing him with the required treatment. However, with the onset of Covid-19, there has been a lapse as can be understood from the medical certificate.

8. Having regard to the above circumstances and the fact that petitioner was arrested on 07.07.2022, I am of the view that the continued detention of the petitioner is not warranted. However, the nature of act committed by the petitioner entails the need to impose

conditions for preventing recurrence of similar conduct from the petitioner.

9. Accordingly, I allow this application for bail subject to the following conditions :-

- (i) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.
- (ii) The wife of the petitioner as well as the father of the petitioner shall file an affidavit before the jurisdictional court affirming and undertaking their willingness to provide adequate and effective regular outpatient medical treatment to the petitioner to prevent recurrence of further similar conduct by the petitioner.
- (iii) Petitioner shall appear before the Investigating Officer as and when required.
- (iv) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victims or their family members.
- (v) Petitioner shall not commit any similar offence while he is on bail.
- (vi) Petitioner shall not leave India without the permission of the Court having jurisdiction.

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In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

Sd/-

BECHU KURIAN THOMAS, JUDGE

RKM