

(2022) 04 KL CK 0077
In the High Court Of Kerala
Case No : Bail Application No. 2800 Of 2022

Anilkumar P.S

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-04-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 294(b), 308, 324, 427, 452

Citation : (2022) 04 KL CK 0077

Hon'ble Judges : K. Babu, J

Bench : Single Bench

Advocate : John Joseph, Russel Joy, Sabir N S, Renjith George

Final Decision : Allowed

Judgement

K.Babu, J

1. This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure.
2. The petitioners are accused Nos. 1 to 3 in Crime No.180/2022 of Kumali Police Station. The offences alleged against the petitioners are punishable under Sections 452, 294(b), 324, 308 and 427 r/w Section 34 of the Indian Penal Code.
3. The prosecution case is that on 13.03.2022 at 09.00 p.m. the petitioners trespassed into Kumaly Gate Hotel at Kumaly and showered abusive words towards the defacto complainant and voluntarily caused injury to him. The petitioners committed the above acts in furtherance of their common intention and with the knowledge that if they by that act caused death of the defacto complainant, they would be guilty of culpable homicide not amounting to murder.
4. The petitioners were arrested on 17.03.2022 and have been in judicial custody since then.
5. Heard the learned counsel for the petitioners and the learned Pubic Prosecutor.

6. The learned counsel for the petitioners submitted that the petitioners are innocent of the allegations levelled against them and they have been falsely implicated in the crime. It is further submitted that the investigation is almost over and further detention of the petitioners is not required.

7. The learned Public Prosecutor opposed the bail plea.

8. Having regard to the stage of the investigation and the tenure of judicial custody undergone by the petitioners, this Court is of the view that this is a fit case where bail can be granted to the petitioners on conditions.

9. In the result, this Bail Application is allowed as follows :

(a) The petitioners shall be released on bail on their executing bond for Rs.50,000/- each (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the court below.

(b) They shall appear before the Investigating Officer on all Mondays and Fridays between 10 A.M. and 11 A.M. for a period of three months or till the final report is filed, whichever is earlier.

(c) They shall not try to influence the prosecution witnesses or attempt to tamper with the evidence.

(d) If any of the bail conditions are violated by the petitioners, the jurisdictional court will be at liberty to cancel the bail in accordance with law.