
(2022) 02 KL CK 0108
In the High Court Of Kerala
Case No : Bail Application No. 779 Of 2022

Anoop Bhaskaran

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 11-02-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 304, 323, 341

Citation : (2022) 02 KL CK 0108

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : Rahul Sasi, Neethu Prem, Vivek.P.K, Manu K. Murali, Seetha.S

Final Decision : Dismissed

Judgement

Gopinath P., J

1. This is an application for regular bail.
2. Petitioners are the accused in Crime No.32 of 2022 of Chandra Police Station, Kasaragod District, alleging commission of offences under Sections 341, 323 and 304 read with Section 34 of the Indian Penal Code. The allegation against the petitioners is that they along with one Sunil Kumar consumed liquor together and thereafter, they were seen to proceeding towards the temple pond attached to the Machilottu Bhagavathy Temple and on the next day, the aforesaid Sunil Kumar was found dead in the pond.
3. The learned counsel for the petitioners would submit that while it is true that the petitioners consumed liquor along with the aforesaid Sunil Kumar, they had absolutely no enmity or any motive to cause any harm to the aforesaid Sunil Kumar. It is submitted that Sunil Kumar might have accidentally drowned under the influence of alcohol. It is submitted that by no figment of

imagination can it be said that the petitioners are responsible for the offence under Section 304 of the Indian Penal Code. It is submitted that the petitioners did not restrain or cause any hurt to the deceased Sunil Kumar.

4. The learned Public Prosecutor submits that the investigation conducted thus far has shown that while proceeding towards the pond, the petitioners had some altercation with the aforesaid Sunil Kumar. Thereafter, it appears that Sunil Kumar proceeded alone to the temple pond with the intention of taking bath as he had removed his clothes and kept it on the steps leading to the pond. It is submitted that the CCTV images show that thereafter the petitioners also proceeded to the pond and were seen leaving the place alone. It is only on the next day that the body of Sunil Kumar was found from the pond. It is submitted that the investigation is under progress to determine whether the petitioners have any role in the death of Sunil Kumar.

5. Having regard to the facts and circumstances of the case and considering the nature of the allegations and considering the fact that the petitioners have been in custody from 22.01.2022, I am of the opinion that the petitioners can be granted bail with strict conditions to ensure that they do not interfere with the investigation in any manner. I am of the opinion that the custody of the petitioners is no longer necessary for the purpose of investigation.

6. In the result, this bail application is allowed and it is directed that the petitioners shall be released on bail subject to the following conditions:

(1) Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties each for the like sum to the satisfaction

of the Jurisdictional Court;

(2) Petitioners shall not attempt to or to influence or intimidate any witness in Crime No.32 of 2022 of

(3) Petitioners shall report before the investigating officer in Crime No.32 of 2022 of Chandera Police Station, Kasaragod District, every Monday and Saturday at 11.00

A.M until filing of final report in in Crime No.32 of 2022 of Chandera Police Station;

(4) Petitioners shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime

No.32 of 2022 of Chandra Police Station, Kasaragod District, may
file an application before the Jurisdictional Court for cancellation of bail.