

(2020) 12 KL CK 0057
In the High Court Of Kerala
Case No : Bail Application No. 8172 Of 2020

Jithin S And Ors

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 03-12-2020

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 308, 323, 324, 452

Citation : (2020) 12 KL CK 0057

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : Babu S. Nair, S.K. Saju, Ajith Murali

Final Decision : Allowed

Judgement

1. The applicants are accused in Crime No.743 of 2020 of Thrikkakara Police Station, Ernakulam, for having allegedly committed offences punishable under Sections 143, 147, 148, 452, 323, 324 and 308 read with Section 149 of the IPC. The prosecution case, in brief, is this:

2. On 29.11.2020 at about 5.30 PM, the applicants, who were all students of Rajagiri College, Kalamassery, rejoicing the event of having completed their examination, trespassed into the Royal Residency Bar at Kalamassery and asked them to be served beer. The Manager/defacto complainant refused, as a result of which, he was allegedly assaulted with an iron bangle which was worn by the 1st accused and thus caused injuries on his scalp which could have proved fatal and thus the applicants attempted to commit culpable homicide. The applicants state that they are all students studying for BBA and B.Com and are aged between 19 and 20 years. There are no previous antecedents. It is further stated that the matter has been amicably settled with the defacto complainant and the defacto complainant, who is

represented by a lawyer of his choice has also appeared and filed an affidavit stating that the matter has been amicably settled.

3. Heard the learned counsel appearing for the applicants and the learned Public Prosecutor as also the learned counsel appearing for the defacto complainant.

4. In view of the fact that the applicants do not have any criminal antecedents, and that the injury sustained by the defacto complainant is not life-threatening and since the matter has been amicably settled with the defacto complainant, I find no reason for further incarceration of the applicants, who have been in custody since 30.11.2020.

5. In the result, the application is allowed and the applicants are directed to be released on bail on the execution of bonds for Rs.50,000/- (Rupees Fifty thousand only), each with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following further conditions:

- (i) They shall appear before the Investigating Officer as and when called for.
- (ii) They shall not intimidate or influence witnesses and tamper with evidence.
- (iii) They shall not get involved in similar offences during the currency of the bail period.

In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

The bail application is allowed.