

(2023) 09 KL CK 0083
In the High Court Of Kerala
Case No : Bail Application No. 7342 Of 2023

K P Binu

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 12-09-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 304

Citation : (2023) 09 KL CK 0083

Hon'ble Judges : Mohammed Nias C.P, J

Bench : Single Bench

Advocate : S.Rajeev, V.Vinay, M.S.Aneer, Sarath K.P., Prerith Philip Joseph, Anilkumar C.R., K.S.Kiran Krishnan, P.G.Manu

Final Decision : Dismissed

Judgement

Mohammed Nias C.P, J

1. This application is filed under Section 438 of the Code Criminal Procedure seeking anticipatory bail.

2. The prosecution allegation is that a boy aged 10 years got electrocuted on 15.12.2022 at 2.30 p.m and the deceased is the son of the petitioner's sister and thereby an offence under Section 304 of IPC is charged against the petitioner.

3. Heard the learned counsel for the petitioner as well the Public Prosecutor.

4. Taking into account the report filed by the Electrical Inspection in which the mother of the deceased had stated that due to previous day's rain, the terrace was filled with water and there was an attempt by the deceased to drain out the water using a dustpan. As a result, the deceased came into contact with a live service wire and and thus the incident occurred. The child was taken to hospital immediately, but succumbed to death.

5. Considering the accusations levelled against the petitioner and also the

statement of the mother of the deceased as stated above, I am inclined to grant anticipatory bail to the petitioner on conditions without hindrance to enable a proper investigation.

6. Accordingly, this application is disposed of with the following directions:

1. The petitioner shall surrender before the Investigating Officer within a period of two weeks from today for subjecting himself to interrogation.
2. After interrogation, the petitioner shall be released on bail on the very same day of surrender upon the petitioner executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum, to the satisfaction of the Investigating Officer.
3. The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for three days between 9.00 a.m and 5.00 p.m on days directed by the investigating officer for the purpose of recovery, if any.
4. The petitioner shall appear before the Investigating Officer as and when required.
5. The petitioner shall not commit any offence of similar nature while on bail.
6. The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.
7. The petitioner shall not leave India without the permission of the Jurisdictional Court.
8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law.