

(2022) 06 KL CK 0106
In the High Court Of Kerala
Case No : Bail Application No. 4239 Of 2022

Kunjumon James @ Karikkadi Kunjumon	APPELLANT
Vs	
State Of Kerala	RESPONDENT

Date of Decision : 09-06-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302, 323

Citation : (2022) 06 KL CK 0106

Hon'ble Judges : Viju Abraham, J

Bench : Single Bench

Advocate : S.Sreekumar, Priya Shanavas, Salmath A., A.Mohammed Anas, P.Narayanan

Final Decision : Dismissed

Judgement

Viju Abraham, J.

1. This is an application for regular bail.
2. The petitioner is accused No. 4 in Crime No. 1314/2021 of Chavara Police Station alleging commission of offence punishable under Section 323 and 302 r/w Section 34 of the Indian Penal Code(IPC).
3. The prosecution allegation is that, the 4th accused is the owner of a fishing boat and the victim is his employee in the boat. On 19.12.2021 at about 9.p.m., the accused 1 to 3 called the victim "Bengalis" and that resulted in a quarrel with the victim and his friend. Accused 1 to 3 assaulted the victim by beating on his stomach and caused serious injury to the victim. Later, the victim died due to the injuries sustained in his stomach, by the act of the accused 1 to 3 and hence the crime was registered against accused 1 to 3.
- 4 .The learned counsel for the petitioner submitted that the petitioner was arrested on 23.05.2022 and that he is continuing in custody. It is also submitted that the petitioner is innocent and he has no other criminal antecedents.

5. The learned additional Public Prosecutor, upon instructions, submitted that the only offence alleged against the petitioner as on today is only under 202, inasmuch as the allegation raised against the petitioner is that he concealed the incident and he failed to report the commission of the offence to the authorities.

5. Having regard to the facts and circumstances of the case, considering the nature of the allegations and considering the fact that the petitioner is in custody from 23.05.2022 onwards, I am inclined to grant bail to the petitioner subject to stringent conditions. In the result, the bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:

(i) The petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;

(ii) Petitioner shall appear before the investigating officer in Crime No. 1314/2021 of Chavara Police Station on every Wednesday & Saturday at 11 am, until filing of final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the defacto complainant or any witness in Crime No. 1314/2021 of Chavara Police Station;

(iv) The petitioner shall not enter the local limits of the Chavar police station where the defacto complainant is residing except for the purpose of complying with condition No.(ii) above;

(v) The petitioner shall surrender his passport before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the said court within seven days of release on bail;

(vi) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No. 1314/2021 of Chavara Police Station may file an application before the jurisdictional court, for cancellation of bail.