

(2021) 11 KL CK 0150
In the High Court Of Kerala
Case No : Bail Appl. No. 8728 Of 2021

Pranav

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 23-11-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 427, 452, 506
Prevention of Damage to Public Property Act, 1984 — Section 3(1)

Citation : (2021) 11 KL CK 0150

Hon'ble Judges : Shircy V, J

Bench : Single Bench

Advocate : Jithin Babu A Arun Samuel, Sreeja V

Final Decision : Dismissed

Judgement

Shircy V, J

1. The petitioner is the 1st accused in Crime No.757 of 2021 of Kaipamangalam Police Station registered for the offences punishable under Sections 452, 427 and 506 read with Section 34 of the Indian Penal Code and Section 3(1) of the PDPP Act.

2. He has been in custody since 27.9.2021.

3. The prosecution allegation is that on 26.09.2021 at about 21.15 hrs, this petitioner along with the 2nd accused, due to their enmity towards the uncle of the defacto complainant, trespassed into the residential house of the defacto complainant and threatened him with dire consequences. The uncle of the defacto complainant is attached to the police department. He has parked the motor cycle of the police department bearing registration No.KL-01-AG-8288 and another motor cycle owned by him bearing registration No.KL-48-A-6653 in the courtyard. The accused together have caused damages to the department vehicle to the tune of Rs.10,000/- and also caused damages to the private vehicle of the uncle of the defacto complainant to the tune of Rs.10,000/-.

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

5. The learned counsel for the petitioner submitted that he has been falsely implicated in the case. In fact, the petitioner and the defacto complainant are close relatives. They were having some money transactions and because of the same there arose a wordy altercation between them. But he has not committed any offence as alleged. Hence, he seeks for his release on bail.

6. According to the learned Public Prosecutor, the investigation of the case has progressed considerably.

7. This Court has granted bail to the 3rd accused by an order dated 1.11.2021. Considering the criminal antecedents of this petitioner, his earlier bail application was dismissed. But now the learned Public Prosecutor reported that the investigation of the case has progressed considerably and in fact it is nearing completion.

Considering the present stage of investigation as well as the period of detention undergone by him in judicial custody, I am inclined to release him on bail subject to the following conditions.

(i) The petitioner shall be released on bail on his executing bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction. The petitioner shall also deposit a sum of Rs.2,000/- (Rupees two thousand only) within a week of his release.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him, in writing, till filing of the final report.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(iv) The petitioner shall not commit any offence while on bail.

In case of violation of any of the above conditions, the jurisdictional court is at liberty to cancel the bail in accordance with the law.