

(2021) 04 KL CK 0084
In the High Court Of Kerala
Case No : Criminal Appeal No. 225 Of 2021

Sabin C. Baby

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 09-04-2021

Acts Referred:

Indian Penal Code, 1860 — Section 302, 307
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(2)(v)

Citation : (2021) 04 KL CK 0084

Hon'ble Judges : B. Sudheendra Kumar, J

Bench : Single Bench

Advocate : Sinu G. Nath, M. K. Pushpalatha

Final Decision : Allowed

Judgement

1. The appellant is the accused in Crime No.1174/2020 of Thamarassery Police Station registered for the offences punishable under Sections 302 and 307 IPC and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. The prosecution allegation is that on 20.12.2020 at 5.10 p.m., the appellant, who is not a member of the Scheduled Caste/Scheduled Tribe, stabbed the deceased, who was a member of the Scheduled Caste, with the intention to kill him and as a consequence, he succumbed to the injuries on the same day. In the incident, the nephew of the deceased also sustained injuries on his left shoulder when he tried to intervene.

3. The appellant was arrested on 21.12.2020 and ever since he has been in custody.

4. Heard.

5. The learned Senior Public Prosecutor has no serious objection in granting bail to the appellant.

6. It has been submitted by the learned Senior Public Prosecutor that the final report had been already filed by the police after completing the investigation. It appears that the court below had dismissed the application mainly on the reason that the investigation was not complete. Now the investigation is over and the final report had been already filed. The appellant is not involved in any other offence, submitted by the learned Senior Public Prosecutor.

7. Considering the facts and circumstances of the case, including the fact that the appellant is a first time offender and also taking into consideration of the fact that the final report had been already filed, I am of the view that the further detention of the appellant is not necessary in this case.

In the result, this Criminal Appeal stands allowed setting aside the order impugned and the court below is directed to release the appellant on bail on his executing a bond for Rs.40,000/- (Rupees Forty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the court below and subject to the following further conditions:-

- (i) The appellant shall not intimidate or influence the witnesses, who are likely to give evidence before the court.
- (ii) The appellant shall co-operate with the trial.
- (iii) The appellant shall not get involved in any other offence during the pendency of this case.