

(2023) 10 KL CK 0197
In the High Court Of Kerala
Case No : Bail Application No. 9154 Of 2023

Sanju	Vs	APPELLANT
State Of Kerala		RESPONDENT

Date of Decision : 26-10-2023

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 392

Citation : (2023) 10 KL CK 0197

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

Bench : Single Bench

Advocate : V.A.Johnson, P.G. Manu

Final Decision : Dismissed

Judgement

Mohammed Nias C.P., J

1. This application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail.
2. The petitioner is the accused No.1 in Crime No.908 of 2023 of Vadakkancherry Police Station, Palakkad District, for having committed an offence punishable under Section 392 r/w.34 of IPC.
3. The prosecution case is that on 21.8.2023 at about 13 hours, when the defacto complainant was coming out from Jyothi Bar for the purpose of taking food in front of the Bar, near the gate, the accused followed the defacto complainant, assaulted and threatened him. They have committed robbery by forcefully taking the mobile phone and a money purse containing Rs.300. The accused thereby committed the above-said offence.
4. The learned counsel appearing for the petitioner would say that the petitioner is totally innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 22.8.2023, and continued

custody of the petitioner is unnecessary.

5. The learned public prosecutor opposed the petition and points out that the petitioner is not entitled to get bail.

6. Taking into account the fact that the final report has been filed and that the petitioner has been in custody from 22.8.2023, and also since there is no apprehension raised by the prosecution that if the petitioner is released on bail, he is likely to abscond, I am inclined to grant bail to the petitioner.

7. Accordingly, this application is allowed subject to the following conditions:-

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

(ii) The petitioner shall report before the Investigating Officer as and when required to do so.

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

(iv) The petitioner shall not be involved in any other crime while on bail.

(v) If any of the conditions are violated, the court concerned shall be empowered to take steps for cancellation of bail as per law.