

(2024) 02 KL CK 0119
In the High Court Of Kerala
Case No : Bail Application No. 309 Of 2024

Shihabudeen @ Vakkeel Shihab

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 14-02-2024

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 302, 324, 341

Citation : (2024) 02 KL CK 0119

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

Bench : Single Bench

Advocate : A.Sanil Kumar, Nima Jacob

Final Decision : Dismissed

Judgement

Mohammed Nias C.P., J.

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, seeking regular bail.
2. Petitioner is the accused in Crime No.314/2023 of Kunnicode Police Station, Kollam District, for having committed the offences under Sections 324, 341 and 302 of the Indian Penal Code
3. The Prosecution case is that the accused was inimical towards one Riyas. It is alleged that on 25.02.2023, the accused/petitioner wrongfully restrained Riyas near Kunnicode Thykkavu junction and stabbed Riyas with a knife with intent to commit murder, and Riyas died as a result of the injuries thereby, the petitioner committed the offences.
4. The learned counsel appearing for the petitioner would say that the petitioner is innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner has been in custody since 26/02/2023, and continued custody of the petitioner is unnecessary.

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

6. After having considered the submissions of the learned counsel for the petitioner and learned Public Prosecutor and taking note of the length of detention, the fact that out of six antecedents alleged against the petitioner in two cases, he has been acquitted as seen from Annexures A3 and A4 judgments, the fact that the trial of the case will also take time and also since the prosecution raises no apprehension that if released on bail, the petitioner is likely to abscond, I am inclined to grant bail with strict conditions.

Accordingly, this application is allowed, and the petitioner is granted bail 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 surrender his passport, if any, within seven days from the date of his release before the Court concerned, and if the release of the passport is required at the later period, the petitioner shall be at liberty to move an appropriate application for the same before the court having jurisdiction. If he has no passport, he shall file an affidavit to that effect before the court concerned on the date of execution of the bond or within three days thereafter.

(iii) The petitioner shall not enter into the territorial limits of Kunnicode Police Station, Kollam District for a period of four months from today.

(iv) The petitioner shall report before the Investigating Officer as and when directed.

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

(vi) The petitioner shall not be involved in any other crime while on bail or leave India without the prior permission of the Court concerned.

If any of the conditions are violated, the court concerned will be empowered to take steps for cancellation of bail as per law;