
Senkumar @ Manikuttan Vs State Of Kerala

Bail Application Nos. 8868 9612 Of 2021

Court: High Court Of Kerala

Date of Decision: Jan. 24, 2022

Acts Referred:

Indian Penal Code, 1860 – Section 120(b), 143, 147, 148, 149, 294(b), 302, 307, 323, 324, 341#Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 – Section 3(1)

Hon'ble Judges: Gopinath P, J

Bench: Single Bench

Advocate: R.V.Sreejith, G.Maheswary, Sajju. S

Final Decision: Dismissed

Judgement

Gopinath P., J

1. These are applications for regular bail.

2. The petitioners are accused Nos.6, 7 and 11 in Crime No.2388/2021 of Kottarakkara Police Station, Kollam District alleging commission of

offences under Sections 120 (b), 143, 147, 148, 294(b), 341, 323, 324, 307 & 302 r/w. Section 149 of the Indian Penal Code. The petitioner in

B.A.No.9612/2021 is the 6th accused, the petitioner in B.A. No.9608/2021 is the 7th accused and the petitioner in B.A.No.8868/2021 is the 11th

accused.

3. The allegation against the petitioners is that, after entering into a criminal conspiracy, they formed an unlawful assembly and attacked the de facto

complainant and his friends, resulting in serious injuries to them and also leading to the death of one Rahul and thereby, they committed the offences

alleged against them.

4. The learned counsel appearing for the petitioners in these cases would submit that the petitioners are absolutely innocent in the matter. It is

submitted that no specific overt act has been alleged against the petitioners. It is submitted that the petitioners in B.A.Nos.9612/2021 and 9608/2021

were arrested on 21.10.2021, while the petitioner in B.A.No.8868/2021 was arrested on 25.10.2021. It is submitted that a final report has already been

filed in the matter and their continued detention is not necessary, in the facts and circumstances of the case.

5. The learned Public Prosecutor submits that the incident which led to registration of Crime No.2388/2021 is an offshoot of another crime, which is

Crime No.1221/2021 of Kunnikode Police Station alleging commission of offences under Sections 323, 324 & Section 3 (1) of the Scheduled Caste

and Scheduled Tribe (Prevention of Atrocities) Act, 1989. It is submitted that there were some disputes between the petitioners and the de facto

complainant and others, who are accused in Crime No.1221/2021. It is submitted that the petitioners and others are ambulance drivers and earlier on

account of some disputes between the de facto complainant and the 1st accused in this case, the 1st accused was attacked by the de facto

complainant and others which led to registration of Crime No.1221/2021. It is submitted that while the de facto complainant in Crime No.1221/2021

was recuperating in the hospital, the accused persons 2 to 11 in this case planned and conspired to attack the de facto complainant and his friends,

which led to the incident leading to registration of Crime No.2388/2021. It is submitted that the grant of bail at this stage may affect the successful

prosecution of the case as a final report has already been filed in the matter and it is pending before the Judicial First Class Magistrate Court,

Kottarakkara as C.P.No.17/2022. It is submitted that once the committal proceedings are over, the trial can be commenced in the case.

6. I have considered the rival submissions.

7. Having regard to the facts and circumstances of the case and considering the allegations against the petitioners and considering the fact that they

have been in custody for a considerably long time, I am of the opinion that the petitioners in these cases can be granted bail, subject to conditions. I

also take note of the fact, while granting this order, that there is a rapid increase in Covid-19 cases across the State, including in the jail in which the

petitioners are incarcerated.

8. In the result, these bail applications are allowed. It is directed that the petitioners shall be released on bail subject to the following conditions:-

(i) The petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the

satisfaction of the jurisdictional Court;

(ii) The Petitioners shall report before the Investigating officer in Crime No.2388/2021 of Kottarakkara Police Station as and when called upon to do so;

(iii) The petitioners shall not attempt to influence or intimidate the de facto complainant or any witness in Crime No. 2388/2021 of Kottarakkara Police Station ;

(iv) The petitioners shall not involve in any other crime while on bail.

Ã, If any of the aforesaid conditions are violated, the Investigating officer in Crime No.2388/2021 of Kottarakkara Police Station may file an

application before the jurisdictional Court for cancellation of bail.