

XXXXXXXXXX Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Sept. 16, 2022

Acts Referred: Code of Criminal Procedure, 1973 " Section 439

Indian Penal Code, 1860 " Section 294(b), 323, 354, 354(D), 376(2)(n), 451, 498A, 506(1)

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: M.Kannan, K.A.Noushad

Final Decision: Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.115/2022 of Angamali Police Station, now pending as C.P.No.13/2022 on the files of the Sessions Court,

North Paravur alleging offences under Sections 450, 307, 341, 324 and 354 of the Indian Penal Code, 1860.

3. According to the prosecution, on 07.02.2022, due to previous enmity, the accused with an intention to cause the death of the de facto complainant

stabbed her on the left side of her neck and again attempted to stab her on the abdomen causing incise wound on the neck as well as the abdomen and

later outraged her modesty and thereby committed the offences alleged.

4. Smt.N.S.Hasnamol, the learned counsel for the petitioner contended that the entire prosecution allegations are false and that the incident as alleged

had not occurred. It was further submitted that the petitioner was arrested on 07.02.2022 and has been in custody since then. It was also argued that

the continued detention of the petitioner is not warranted in the circumstances of the case.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor opposed the grant of bail and contended that the prosecution case reveals a serious offence

and that releasing the petitioner on bail will cause prejudice not only to the prosecution but also will be a threat to the injured.

6. A perusal of the case diary reveals that prima facie there are materials on record to connect the petitioner with the crime. However, since

petitioner was remanded to judicial custody on 07.02.2022, I am of the view that the continued detention of the petitioner is not required in the

circumstances of the case, more so since the investigation is over and the final report has already been filed. Therefore, the petitioner is entitled to be

released on bail.

7. In the result, this application is allowed on the following conditions:-

(a) Petitioner shall be released on bail on him 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 court having jurisdiction.

(b) Petitioner shall co-operate with the trial of the case.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he attempt to tamper with the evidence.

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave the country without the permission of the jurisdictional Court.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and

pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.