
(2023) 01 KL CK 0081

High Court Of Kerala

Case No: Bail Application No. 3 Of 2023

Febin Fermin

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Jan. 11, 2023

Acts Referred:

- Indian Penal Code 1860 - Section 34, 109, 201, 307, 324, 326, 341, 427, 450

Hon'ble Judges: Viju Abraham, J

Bench: Single Bench

Advocate: Sabu George, P.B.Krishnan, P.B.Subramanyan, Manu Vyasana Peter, M.C.Ashi

Final Decision: Dismissed

Judgement

Viju Abraham, J

1. This is an application for regular bail.

2. Petitioner is the 2nd accused in FIR No.131 of 2020 of Chirayinkeezhu Police Station, Thiruvananthapuram registered alleging commission of

offences punishable under Sections 109, 450, 341, 324, 326, 427, 307 and 201 read with Section 34 of the Indian Penal Code.

3. The allegation is that the 1st accused, who is the brother-in-law of the defacto complainant, because of his enmity due to the prevention of taking

lorry to his property through the property of the defacto complainant came with two others on 22.02.2020 in between 7.15 - 7.30 p.m. in two cars in

front of the house of the defacto complainant situated at Muttappalam when the defacto complainant has returned to his house after KAS

examination. The 1st accused pointed out the defacto complainant to the other accused. They trespassed into the compound of the house of the

defacto complainant and destroyed the glass of his Wagon R car and beaten on his head and left leg with iron pipes causing grievous hurt and fracture

to his left leg and a damage to the tune of Rs.10,000/-. Thus the petitioner has committed the aforesaid offences.

4. Petitioner submits that he is in custody from 06.12.2022 onwards and that since the investigation in the case is over, his further detention is not required for the purpose of the same.

5. Learned Public Prosecutor upon instructions submitted that this is a crime registered as early as in 2020 and the petitioner was absconding and split

charge was filed against accused Nos.1, 3 and 4 and later the petitioner was apprehended at Nedumbassery. Learned Public Prosecutor upon

instructions further submitted that the petitioner has no other criminal antecedents.

Considering the facts and circumstances of the case and the detention of the petitioner from 06.12.2022 onwards and also taking note of the fact that

the petitioner has no other criminal antecedents, I am inclined to grant bail to him on the following conditions.

(i) The petitioner shall execute 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) He shall appear before the investigating officer in FIR No.131 of 2020 of Chirayinkeezhu Police Station, Thiruvananthapuram on all Saturdays at 11.00 a.m. till the filing of charge sheet.

(iii) He shall not attempt to interfere with the investigation or to influence any witness in the abovesaid crime.

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

If, any, of, the, aforesaid, conditions, are, violated, the investigating officer in FIR No.131 of 2020 of Chirayinkeezhu Police Station,

Thiruvananthapuram may file an application before the jurisdictional court, for cancellation of bail.