

Shameer Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: June 6, 2023

Acts Referred: Code of Criminal Procedure, 1973 â€” Section 439
Indian Penal Code, 1860 â€” Section 34, 307, 323, 325, 341, 447

Hon'ble Judges: Bechu Kurian Thomas, J

Bench: Single Bench

Advocate: T.Kabil Chandran, R.Anjali, Aayshath Najila Schemnad, Abhirami.S, Neema T.V

Final Decision: Allowed

Judgement

Bechu Kurian Thomas, J

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

2. Petitioners are accused Nos. 1 and 2 in Crime No.86 of 2023 of Binanipuram Police Station, Aluva, alleging offences punishable under Sections

447, 341, 323, 325 and 307 r/w Section 34 of the Indian Penal Code, 1860.

3. According to the prosecution, on 03-03-2023 the accused had with the common intention to murder the defacto complainant, trespassed into the

house and after tying his hands behind his back beat on his head with a plant pot and when the defacto complainant tried to escape, he was kicked and

assaulted thereby sustaining a fracture of the nasal bone as well as below his eyes and thereby the accused committed the offences alleged.

4. Sri. T.Kabil Chandran, the learned counsel for the petitioners contended that the prosecution allegations are false and that incident as alleged had

not occurred. It was further submitted that the petitioners were arrested on 4-03-2023 and that they have been in custody since then.

5. Smt. Neema T.V., the learned Public Prosecutor opposed the application and submitted that considering the nature of the allegations, petitioners

ought not to be released on bail even though the final report has already been filed.

6. I have considered the rival contentions.

7. Having considered the submissions and taking into reckoning the period of detention already undergone from 4-03-2023 apart from the filing of the

final report, I am satisfied that this application ought to be allowed.

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

(a) Petitioners shall be released on bail on them executing a bond for Rs.50,000/- (Rupees Fifty thousand only) each with two solvent sureties each for the like

sum to the satisfaction of the court having jurisdiction.

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

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

(d) Petitioners shall not commit any other offences while they are on bail.

(e) Petitioners shall not leave the State of Kerala until conclusion of trial.

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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.