
Vishnu Vs State Of Kerala

Bail Application No. 7371 Of 2023

Court: High Court Of Kerala

Date of Decision: Sept. 5, 2023

Acts Referred:

Code of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 302, 308, 380

Citation: (2023) 09 KL CK 0026

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

Bench: Single Bench

Advocate: P.S.Anishad, Limna Bhaskaran, Vishnu R., T.Ajith Kumar, Vishal Pavithran, Dony C. Jose, P G Manu

Final Decision: Dismissed

Judgement

Mohammed Nias C.P., J

1. This application is filed under Section 439 of the Cr.P.C. Seeking regular bail.

2. The applicant herein is the accused in Crime No.146/2023, registered at the Kattoor Police Station, registered under Section 380 of the Indian Penal

Code.

3. The allegation against the petitioner is that, on 16/02/2023, the accused person had destroyed the beer bottle, damaged furniture, and attempted to

attack the defacto complainant with a beer bottle, thereby causing a loss of â,120,000/- in the bar. The information was given by one Dheeraj, who is

the Manager of Ashoka Bar situated at Kattoor and thereby committed the offence.

4. The learned counsel appearing for the applicant submitted that the applicant is innocent. He was arrested in the aforesaid Crime on 16/02/2023

merely on the basis of suspicion. According to the learned counsel, bail was denied to the applicant on the ground that he has involvement in other

crimes.

5. The learned Public Prosecutor highlighted the criminal antecedents of the applicant herein and contended that the release of the applicant at this

stage is uncalled for.

6. I have heard the learned Public Prosecutor and have gone through the materials on record. It appears that the antecedents of the applicant are quite

bad. However, in those Crimes in which he has been arrayed as the accused, he is on bail. The prosecution has no case that the applicant herein has

been convicted in any of the cases in which he is involved. The learned Public Prosecutor submitted that there are two other cases against the

petitioner, among which one is alleging offences including under Section 308, and the other is under Section 302 of the IPC. Though there are

antecedents against the petitioner, considering that he has been under custody since 16/02/2023 and that the final report has been filed, I am inclined to

grant bail on conditions.

In the result, this application will stand allowed.

(i) The applicant shall be released on bail on his 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. The above order shall be subject to the following conditions:

(ii) He shall neither intimidate or attempt to influence the witnesses nor tamper with the evidence.

(iv) He shall not commit any offence while he is on bail.

(v) He shall not leave the State of Kerala without the permission of the court having jurisdiction.

(vi) The applicant shall not leave India without the permission of the Court and, if he has a passport, shall deposit the same before the Trial Court

within a week. If the release of the passport is required at a later period, the applicant shall be at liberty to move an appropriate application before the

Court having jurisdiction.

(vii) 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.