

Sunilkumar Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Oct. 6, 2023

Acts Referred: Code of Criminal Procedure, 1973 " Section 439
Indian Penal Code, 1860 " Section 294(b), 302, 307, 323, 326A

Hon'ble Judges: Ziyad Rahman A.A., J

Bench: Single Bench

Advocate: Sreeraj M.D.

Final Decision: Dismissed

Judgement

Ziyad Rahman A.A., J

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.
2. Petitioner is the accused in Crime No.188 of 2023 of Valavupacha Police Station. Offences alleged against the petitioner are under Sections 294(b),

323, 326A, 307 and 302 of the Indian Penal Code.
3. The prosecution case is that, on 20.02.2023 at about 8.00 PM, the petitioner committed murder of his wife by pouring kerosene on her body and

setting fire to her. The petitioner was arrested on 21.02.2023 and since then he has been under judicial custody.
4. Even though the petitioner approached this Court earlier seeking bail, the same was dismissed as per Annexure-A2 order. This application is

submitted in such circumstances.
5. Heard Sri.S.R.Sreejith, learned counsel for the petitioner and Sri.Jacob E.Simon, learned Public Prosecutor for the State.
6. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations. It is also pointed out that he has no criminal

antecedents and he has been under judicial detention since 21.02.2023. It is stated by the learned counsel for the petitioner that 225 days are over and

now the investigation is also over. There is no purpose in keeping the petitioner under detention any more. He is ready and willing to cooperate with

the trial and shall abide by any condition that may be imposed by this Court.
7. On the other hand, the learned Public Prosecutor would stoutly oppose the application by pointing out that this is a case in which the petitioner

brutally murdered his wife. Apprehension was also voiced by the learned Public Prosecutor that, if the petitioner is released on bail, he is likely to

influence the witnesses, as the major witnesses are the children of the deceased, borne to her in her first marriage.

8. I have carefully gone through the records. It is true that there are specific allegations against the petitioner. Apprehension raised by the learned

Public Prosecutor also cannot be ignored. However, it is seen that the petitioner is a person hailing from Palakkad, whereas the deceased was at

Kollam and the witnesses are also at Kollam. Therefore, the apprehension of the learned Public Prosecutor can be addressed by imposing appropriate

conditions to ensure that the petitioner is not entering into the Kollam District. While considering this application, I have taken into consideration the

fact that the petitioner has no criminal antecedents and he has been under judicial detention for past 225 days. Trial of the case is also likely to take

some time. In such circumstances, I deem it appropriate to grant bail to the petitioner with stringent conditions in the manner as follows:

(i) The petitioner shall be released on bail on executing a bond for Rs. 1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the

satisfaction of the jurisdictional Court.

(ii) The petitioner shall appear before the investigating officer as and when required.

(iii) The petitioner shall not commit any offence of similar nature while on bail.

(iv) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper

with the evidence or influence any witnesses or other persons related to the investigation.

(v) The petitioner shall not enter into the territorial limits of Kollam District except for the purpose of appearing before the court or the Investigation Officer.

(vi) The petitioner shall not leave India without the permission of the trial Court.

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

any, and pass appropriate orders in accordance with the law.