

Aneesh Varghese Vs State Of Kerala

Court: High Court Of Kerala

Date of Decision: Nov. 10, 2023

Acts Referred: Code of Criminal Procedure, 1973 " Section 438
Indian Penal Code, 1860 " Section 294(b), 307, 324, 450, 506(ii)

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

Bench: Single Bench

Advocate: Manu Ramachandran, R.Rajesh, M.Kiranlal, Sameer M Nair, Sailakshmi Menon, T.V. Neema

Final Decision: Dismissed

Judgement

Mohammed Nias C.P., J

1. This application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail. The petitioner is the sole accused in Crime No.

884/2023 of Aranmula Police Station for having committed offences punishable under Sections 450, 294(b), 506(ii), 324 & 307 of the IPC.

2. The prosecution case is that, out of previous enmity towards the defacto complainant, on 19.9.2023 at 3.45 P.M., at Kozhencherry Village in

Thekkemala Post, the accused broke open the fibre gate in front of the house of the defacto complainant and encroached upon the sit out and uttered

obscene words and threatened to kill him and hit on the head and all over the body of the defacto complainant using iron rod which resulted in 24

stitches on head and injury on the left shoulder, both elbows, the knee of the left leg and left foot. Thus, the accused is alleged to have committed the

offences mentioned above.

3. The learned counsel appearing for the petitioner would submit that the petitioner is totally innocent and has been falsely implicated with ulterior

motives. At any rate, he points out that the petitioner is in custody from 20.9.2023, and the continued custody of the petitioner is unnecessary.

4. The learned Public Prosecutor opposed the petition and points out that the petitioner is not entitled to get bail.

5. After having considered the submissions of the learned counsel for the petitioner and the learned Public Prosecutor and considering the fact that the

petitioner has been in custody since 20.9.2023 and that a major part of the investigation is over, I am inclined to grant bail to the petitioner

notwithstanding the antecedents reported against the petitioner.

Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

i. The petitioner shall be released on bail on 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 jurisdictional court;

ii. The petitioner shall report before the Investigating Officer as and when required to do so.

iii. The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

iv. The petitioner shall not be involved in any other crime while on bail. v. The petitioner shall surrender his Passport before the jurisdictional court. If the petitioner

does not have a Passport, he shall execute an affidavit to that effect and file the same before the said court within seven days from the date of his release on bail.

If any of the conditions are violated, the jurisdictional court concerned shall be empowered to take steps for cancellation of bail, as per law.