

Ajith Kumar, vs State of Kerala,

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Court : Kerala

Decided On : Jan-31-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./512/2024

Appellant : Ajith Kumar,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
WEDNESDAY, THE 31ST DAY OF JANUARY 2024 / 11TH MAGHA,
BAIL APPL. NO. 512 OF 2024 CRIME NO.32/2024 OF Vandanmedu
Police Station, Idukki AGAINST THE ORDER/JUDGMENT CMP
352/2024 OF JUDICIAL MAGISTRATE OF FIRST CLASS,
NEDUMKANDOM

PETITIONER/ACCUSED: AJITH KUMAR, AGED 36 YEARS S/O.SHAJI,
PUTHENPURA HOUSE, MONTFORT, ANAKKARA VILLAGE, IDUKKI
DISTRICT, PIN - 685512 BY ADVS. BIJU .C. ABRAHAM THOMAS
C.ABRAHAM BASIL MATHEW RESPONDENT/STATE: STATE OF
KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT

OF KERALA, PIN - 682031 PP-SRI.VIPIN NARAYANAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2.. SOPHY THOMAS, J ===== Bail.Appl.No.512 of 2024 ===== Dated this the 31st day of January, 2024

ORDER

This is an application for regular bail under Section 439 of Cr PC filed by accused in Crime No.32/2024 of Vandanmedu Police Station, Idukki, registered under Sections 448, 323, 324, 308, 294(b) and 506(i) of IPC.

2. The prosecution allegation is that, on 13.01.2024 at

10 PM, the petitioner trespassed into the house of the de-facto complainant, abused him, slapped on his cheek and kicked on his stomach, pulled his hair and pressed his neck and shoulder. When he tried to escape, the petitioner ran after him and threw a brick on his hip.

3. Heard learned counsel for the petitioner and learned Public Prosecutor.

4. Learned Public Prosecutor opposed the bail application, stating that, the incident happened at 10 PM at the house of the de-facto complainant.

5. Learned counsel for the petitioner would submit ..3.. that, the de-facto complainant is a drug addict and he used to

quarrel with his mother. When the petitioner tried to pacify them, the de-facto complainant abused the petitioner and tried to hit him. Moreover, he made some illicit allegations against his mother and the petitioner herein. The petitioner is ready to abide by any conditions imposed by this Court.

6. The Wound Certificate will not show any serious

injuries sustained by the de-facto complainant, except contusions and abrasions. Prosecution has no case that his continued detention is needed for the purpose of

investigation. No criminal antecedents are reported against the petitioner. The petitioner is in judicial custody from 15.01.2024 onwards. Considering all these facts, this Court is inclined to release the petitioner on bail on the following terms:

i. The petitioner shall be released on bail on executing bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Magistrate Court. ii. The petitioner shall report before the Investigating Officer on all Saturdays between 10 AM and 11 AM, starting ..4.. from 10.02.2024, for a period of three months, or till the final report is filed, whichever is earlier.

iii. The petitioner shall not enter the limits of Chakkupallam Village, where the de-facto complainant and his family are residing. iv. The petitioner shall not influence or intimidate the de-facto complainant, or his family members, either directly, or indirectly. v. The petitioner shall not influence or intimidate the witnesses, or tamper with the investigation. vi. The petitioner shall not commit any offence while on bail. vii. In case of violation of any of these conditions, the jurisdictional court is empowered to cancel his bail, in accordance with law. Sd/- SOPHY THOMAS
JUDGE ACR

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