

Pavithran vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./730/2024

Appellant : Pavithran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY,
THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, BAIL APPL.
NO. 730 OF 2024 CRIME NO.1271/2023 OF KAYAMKULAM POLICE
STATION, ALAPPUZHA PETITIONERS/ACCUSED 1 AND 4:

1 PAVITHRAN AGED 48 YEARS S/O. THANKACHAN, LAKSHMI
BHVANAM, PUTHUPPALLY SOUTH MURI, PUTHUPPALLY P.O.,
KAYAMKULAM VILLAGE, KARTHIKAPPALLY TALUK, ALAPPUZHA
DISTRICT, PIN - 2 AKHIL PAVITHRAN AGED 24 YEARS S/O.
PAVITHRAN, LAKSHMI BHVANAM, PUTHUPPALLY SOUTH MURI,
PUTHUPPALLY P.O., KAYAMKULAM VILLAGE, KARTHIKAPPALLY

TALUK. ALAPPUZHA DISTRICT, PIN - BY ADVS. VISHNU DAS
SRUTHI DAS MAJESH P.B. MARIA NEETHU T.J ANAGHA A.S.

RESPONDENTS/STATE AND COMPLAINANT: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 2 STATION HOUSE OFFICER KAYAMKULAM
POLICE STATION, KAYAMKULAM, KERALA, PIN - 690502 BY SR PP
SRI C S HRITHWIK THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: -:2:- Dated this the 29th day of
February,2024

ORDER

The application is filed under Section 438 of the Code of Criminal Procedure,1973,
for an order of pre- arrest bail.

2. The petitioners are the accused 1 and 4 in

Crime No.1271/2023 of the Kayamkulam Police Station, Alappuzha, registered
against the accused for allegedly committing the offences punishable under
Sections 143, 147, 148, 294(b), 341, 323, 324, 506(i) and 308 r/w Sec.149 of the
Indian Penal Code, 1860.

3. When the bail application came up for

consideration on 08.02.2024, this Court passed an interim order, by directing the
petitioners to surrender before the Investigating Officer within seven days from the
date of order and subject themselves for interrogation. -:3:-

4. Heard; Sri.Vishnu Das, the learned counsel appearing for the petitioners and
Sri.C.S.Hrithwik, the learned Public Prosecutor

5. Today, when the bail application was taken up

for hearing, the learned Public Prosecutor submitted that the petitioners had
appeared before the Investigating Officer and their interrogation was completed on

15.2.2024. The petitioners further presence is not required. Hence, the interim order can be made absolute, subject to additional conditions. The said submission is recorded. Resultantly, the bail application is disposed of by making the interim order dated 08.02.2024 absolute, subject to the following conditions:

(i) The petitioners shall co-operate with the investigation and make themselves available for interrogation and for the purpose of investigation as and when the Investigating Officer directs; -:4:-

(ii) The petitioners shall not intimidate witnesses or interfere with the investigation in any manner;

(iii) The petitioners shall not get involved in any other offence while on bail.

(iv) The petitioners shall not leave India without the permission of the jurisdictional Court;

(v) In case of violation of any of the conditions

above, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any filed, and pass orders on the same, in accordance with law.

(vi) Applications for deletion/modification of the bail conditions shall also be filed before the court below.

(vii) Needless to mention, it would be well within

the powers of the Investigating Officer to investigate the matter and, if necessary, to effect recoveries on the information, if any, given by the petitioners even while the petitioners are on -:5:- bail as laid down by the Hon'ble Supreme Court in Sushila Aggarwal v. State (NCT of Delhi) and another [2020 (1) KHC 663]. Sd/- C.S.DIAS,JUDGE mtk/29.02.24 -:6:- APPENDIX OF BAIL APPL. 730/2024 PETITIONER ANNEXURES ANNEXURE A1 THE CITIZEN COPY OF THE FIRST INFORMATION REPORT ALONG WITH THE FIRST INFORMATION STATEMENT IN CRIME NO.1271/2023 OF KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT DATED 04.12.2023 ANNEXURE A2 THE TRUE COPY

OF THE ORDER IN CRL. M.P.NO. 6293/2023 OF THE HON'BLE COURT OF
ADDL. SESSIONS JUDGE, ALAPPUZHA DATED 01.01.2024 ANNEXURE A3
THE TRUE COPY OF THE MEDICAL DOCUMENT OF THE WIFE OF THE 1ST
PETITIONER FROM PK KUNJU SAHIB MEMORIAL TALUK HOSPITAL,
KAYAMKULAM

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