

Kumar, vs State of Kerala,

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Court : Kerala

Decided On : Feb-01-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./748/2024

Appellant : KUMAR,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
THURSDAY, THE 1ST DAY OF FEBRUARY 2024 / 12TH MAGHA, 1945
BAIL APPL. NO. 748 OF 2024 CRIME NO.59/2024 OF Punalur Police
Station, Kollam PETITIONER/S: KUMAR, AGED 48 YEARS S/O
DIVAKARAN, RESIDING AT MADATHILAZHIKATHU VEEDU,
PANAYAM, KARAVALLOOR P.O, KARAVALLOOR VILLAGE, KOLLAM
DISTRICT, PIN - 691333 BY ADVS. NIRMAL V NAIR M.ANEESH ENCIL
K. SABU NESILI NAZEER RESPONDENT/S: STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - OTHER PRESENT: SR.PP-SRI.RENJIT GEORGE THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

01.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

SOPHY THOMAS, J.

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ORDER

Dated this the 01st day of February, 2024 This is an application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 filed by the sole accused in Crime No.59 of 2024 of Punalur Police Station, Kollam, registered under Sections 323, 324, 326, 354, 452, 294(b), and 506 of IPC.

2. The prosecution allegation is that, out of enmity due to a

boundary dispute, the petitioner trespassed into the house of the de facto complainant on 11.01.2024 at 10.30 pm, and pulled out him from the bedroom, uttered obscene words against him, assaulted and inflicted injury on his forehead with a tapping knife, and caused fracture to his left arm. When his wife ..3.. intervened, she was also assaulted by the petitioner, and he bit on her chest outraging her modesty.

3. Heard learned counsel for the petitioner and learned Public Prosecutor. Learned Public Prosecutor opposed the bail application.

4. Learned counsel for the petitioner would submit that, the petitioner was arrested on 12.01.2024, and since then he is in judicial custody.

5. The wound certificate of the de facto complainant will show linear lacerated wound over front of scalp 5 x 2 x 1 cm, and fracture of left arm.

6. Learned Public Prosecutor, on instructions, would submit that, investigation has progressed substantially, and recovery of the weapon has been effected.

7. Considering these aspects, this Court is inclined to allow this application, but on stringent conditions.

8. In the result, the bail application is allowed on the ..4..

following terms:- i. The petitioner shall be released on bail on cash deposit of Rs.20,000/- (Rupees twenty thousand only) and 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 trial court. ii. Thereafter, the petitioner shall report before the Investigating Officer on every Saturday between 10.00 am and 11.00 am starting from 10.02.2024, for a period of three months, or till the final report is filed which ever is earlier. iii. The petitioner shall not contact, influence or intimidate the de facto complainant or his family members and shall not tamper with the investigation. iv. Petitioner shall not leave the limits of Kerala ..5..

without prior permission of the trial court, and he shall surrender his passport before the trial court, at the time of executing the bond, and if he is not having a passport, he has to file an affidavit to that effect before the trial court. v. The petitioner shall not commit any offences while on bail. vi. In case of violation of any of these conditions, the trial court is empowered to cancel his bail, in accordance with law. Sd/- SOPHY THOMAS JUDGE

RMV

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