SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Midhun, vs State of Kerala,

Midhun, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1316781

Court : Kerala

Decided On : Feb-01-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./10921/2023

Appellant : Midhun,

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. 10921 OF 2023 CRIME NO.1000/2023 OF Kozhikode Town Police Station, Kozhikode AGAINST THE ORDER/JUDGMENT CRMC 1892/2023 OF DISTRICT COURT & SESSIONS COURT,KOZHIKODE PETITIONER/ACCUSED 1 AND 2: 1 MIDHUN, AGED 23 YEARS S/O.SASIDHARAN, RESIDING AT ADUVATTIL, THIRUVONAM, CHELANNUR, KOZHIKODE, PIN - 673616 2 VYSAKH M., AGED 26 YEARS S/O.MURALEEDHARAN, RESIDING AT KARUNA, NAMBUKUNNATHARA, CHELANNUR, KANNANKARA, KOZHIKODE DISTRICT, PIN - 673616 BY ADVS. T.MADHU

C.R.SARADAMANI RENJISH S. MENON VRINDA T.S. RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 PP-SRI.PRASANTH M.P 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 ========== Bail.Appl.No.10921 of 2023 ========== Dated this the 1st day of February, 2024

ORDER

This is an application for anticipatory bail under Section 438 of Cr PC filed by accused nos 1 and 2 in Crime No.1000/2023 of Town Police Station, Kozhikode, registered under Sections 354, 323, 324 read with Section 34 of IPC.

2. The prosecution allegation is that, on 19.10.2023 at

6.30 PM, while the de-facto complainant and her friend were enjoying beer in the ground floor of Beach Hotel, Kozhikode, the petitioners, who were consuming liquor in that bar, misbehaved with the de-facto complainant and her friend, and made sexually coloured remarks against them, and abused and assaulted them.

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

4. Learned Public Prosecutor opposed the bail application.

5. Learned counsel for the petitioners would submit ..3..

that, in fact, the de-facto complainant and her friend caused disturbance inside the bar, uttering obscene words and they played music in a loud voice, in spite of objections from the bar employees. When they continued their smoking causing disturbance in the bar, Police was informed and when Police came, only to save their faces, they cooked up a false story against the petitioners. The petitioners are ready to abide by any conditions imposed by this Court.

6. On going through the records available, it could be

seen that there occurred some altercation which led into some unhappy incidents between the petitioners on the one side and the de-facto complainant and her friend on the other side, inside the bar in Beach Hotel Kozhikode. There is nothing to show that, with any sexual intention, the petitioner did anything against the de-facto complainant or her friend.

Considering all these facts, this Court is inclined to release the petitioners on bail on the following terms: i. The petitioners shall surrender before the Investigating Officer on or before 12.02.2024 and subject themselves for interrogation. ..4.. ii. In the event of arrest, the petitioners shall be released on bail on executing bond for Rs.50,000/- (Rupees Fifty Thousand only) by each of them with two solvent sureties each for the like sum to the satisfaction of the Arresting Officer. iii. The petitioners shall report before the Investigating Officer as and when directed. iv. The petitioners shall not contact, or go to the place where the de-facto complainant or her friend are staying, and shall not cause any kind of harassment or intimidation to them, either directly, or indirectly. v. The petitioners shall not commit any offence while on bail. vi. In case of violation of any of these conditions, the jurisdictional court is empowered to cancel their bail, in accordance with law. Sd/- SOPHY THOMAS JUDGE ACR

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com