

**Binu, vs State of Kerala,**

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**SooperKanoon Citation :** [sooperkanoon.com/1318588](https://sooperkanoon.com/1318588)

**Court :** Kerala

**Decided On :** Apr-30-2024

**Judge :** Honourable Mr.Justice P.G. Ajithkumar

**Appeal No. :** Bail Appl./2453/2024

**Appellant :** BINU,

**Respondent :** State of Kerala,

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR  
TUESDAY, THE 30TH DAY OF APRIL 2024 / 10TH VAISAKHA, 1946  
BAIL APPL. NO. 2453 OF 2024 CRIME NO.2551/2020 OF Neyyattinkara  
Police Station, Thiruvananthapuram PETITIONER: BINU, AGED 39  
YEARS S/O.SASIDHARAN, KIZHAKKARIKU VEEDU,  
PUTHENVILAKATHU, PUTHALAM, KOTTUKAL DESOM, KOTTUKAL  
VILLAGE, THIRUVANANTHAPURAM, PIN - 695501 BY ADVS. VISHNU  
BHUVANENDRAN ABHILASH C.V. VARUN JACOB RESPONDENTS:  
STATE OF KERALA, REPRESENTED BY PUBLIC  
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 OTHER  
PRESENT: ADV PUSHPALATHA M K -SR PP THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 30.04.2024,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.G. AJITHKUMAR, J.**

----- Dated  
this the 30th day of April, 2024

## **ORDER**

This is an application for bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioner is the 2nd accused in S.C No.2873 of

2022 pending trial before the Assistant Sessions Judge, Neyyattinkara. Offences alleged against the petitioner are punishable under Sections 341, 427, 323, 324, 308, 120B r/w 34 of the Indian Penal Code.

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

4. The petitioner was granted bail in this case by the

Sessions Court, Thiruvananthapuram subject to certain conditions. Petitioner violated the conditions and therefore his bail was cancelled by the Sessions court. That order was

challenged before this court and it was unsuccessful. Thereafter, he was arrested on 20.02.2023. The petitioner has filed CMP No. 18/2024 before the Assistant Sessions Court, Neyyatinkara, seeking bail. The Trial Court dismissed the petition finding that he has involved in 20 other cases and also that his challenge to the order cancelling bail was unsuccessful.

6. The learned counsel for the petitioner would submit that the matter involved in the case was settled with the defacto complainant and an affidavit proving the same is submitted as Annexure IV.

7. Having heard the learned counsel appearing for the

petitioner and the learned Public Prosecutor, and considering the nature and gravity of the offence and in view of the affidavit filed, further pretrial detention of the petitioner is appeared unnecessary. I am therefore of the view that the petitioner is entitled to be released on bail. In the result, the bail application is allowed and the petitioner is granted bail on his/her executing a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the learned Magistrate, subject to the following conditions:

(i) He shall not influence or intimidate witnesses or tamper with evidence; and

(ii) During the bail period, He shall not get

involved in any offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

Sd/- P.G. AJITHKUMAR, JUDGE HKH APPENDIX OF BAIL APPL. 2453/2024  
PETITIONER ANNEXURES Annexure-I TRUE COPY OF THE FIR IN CRIME NO.  
STATION, THIRUVANANTHAPURAM DISTRICT Annexure-II TRUE COPY OF  
ORDER DATED 11.12.2023 IN B.A NO.10036/2023 OF THIS HONOURABLE  
COURT Annexure-III TRUE COPY OF ORDER DATED 05.02.2024 IN CMP  
NO.18/2024 IN SC NO.2873/2022 IN THE FILES OF ASSISTANT SESSIONS  
JUDGE, NEYYATINKARA Annexure-IV TRUE COPY OF THE AFFIDAVIT  
DATED

20.02.2024 FILED BY THE DEFACTO COMPLAINANT IN THE ABOVE CRIME  
STATING THAT HE HAVE NO OBJECTION IN GRANTING BAIL TO THE  
PETITIONER

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