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Anand vs State of Kerala

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Court : Kerala

Decided On : Apr-23-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./2629/2024

Appellant : ANAND

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS TUESDAY, THE 23RD DAY OF APRIL 2024 / 3RD VAISAKHA, 1946 CRIME NO.1492/2023 OF PARIPPALLY POLICE STATION, KOLLAM PETITIONERS/ACCUSED NO.1 AND 2: 1 ANAND AGED 42 YEARS S/O.ANANDAN, AMBADI BHAVAN, EZHIPPURAM, PARIPPALLY, KOLLAM DISTRICT, PIN - 691574. 2 VISHNU AGED 20 YEARS S/O.SISILY, EZHIPPURAM LAKSHAM VEEDU, PARIPPALLY, KOLLAM DISTRICT, PIN - 691574. BY ADVS. R.KRISHNAKUMAR (CHERTHALA) TINY THOMAS RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031. 2 STATION HOUSE OFFICER, PARIPPALLY

POLICE STATION, PARIPPALLY, KOLLAM DISTRICT, PIN - 691574. SR PP C.S HRITHWIK THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 23rd day of April, 2024 The application is filed under Section 438 of the Code of Criminal Procedure, for an order of pre-arrest bail.

2. The petitioners are accused 1 and 2 in Crime

No.1492/2023 of the Parippally Police Station, Kollam, registered against the accused, for allegedly committing the offences punishable under Sections 294(b), 323, 308 read with Section 34 of the Indian Penal Code.

3. When the bail application came up for consideration on 8.4.2024, this Court passed an interim order, by directing the petitioners to surrender before the

Investigating Officer within one week from the date of order

and subject themselves to interrogation.

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

5. The learned Public Prosecutor, on instructions,

submitted that, pursuant to the order dated 8.4.2024, the petitioners surrendered before the Investigating Officer and their interrogation has been completed. 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 8.4.2024 absolute, subject to the following conditions:

(i) The petitioners shall co-operate with the investigation and make themselves available for interrogation as and when directed by the Investigating Officer ;

(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 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. mpm APPENDIX OF BAIL APPL. 2629/2024 PETITIONERS EXHIBITS Exhibit 1 THE TRUE COPY OF FIR IN CRIME NO. DATED ON 11-12-2023. Exhibit 2 A TRUE COPY OF THE VERSION GIVEN BY MANOJ BEFORE THE 2ND RESPONDENT DATED 11-12-2023. Exhibit 3 A TRUE COPY OF THE ACCIDENT CUM WOUND CERTIFICATE OF VICTIM DATED 08-12-2023.

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