

Bhadran, vs State of Kerala,

Bhadran, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1319882

Court : Kerala

Decided On : Apr-05-2024

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./2632/2024

Appellant : Bhadran,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
FRIDAY, THE 5TH DAY OF APRIL 2024 / 16TH CHAITHRA, 1946
CRIME NO.1052/2023 OF THIRUVALLAM POLICE STATION,
THIRUVANANTHAPURAM PETITIONERS/ACCUSED NOS.1 TO 3: 1
BHADRAN AGED 52 YEARS S/O NANU NADAR, MELE ERATHU
VEEDU, 2 SHARATH AGED 27 YEARS S/O BHADRAN, MELE
ERATHU VEEDU, 3 SHYAM AGED 28 YEARS S/O BHADRAN, MELE
ERATHU VEEDU, BY ADV V.R.REKESH
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
KOCHI, PIN - 682031 SRI.RENJITH GEORGE, SR.PUBLIC

PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 5th day of April, 2024 This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioners, who are accused Nos.1 to 3 in crime No.1052/2023 of Thiruvallam police station, Thiruvananthapuram.

2. Heard the learned counsel for the petitioners as well as the learned Public Prosecutor in detail. Perused the relevant documents placed by the learned Public Prosecutor in this case.

3. The prosecution case is that at about 10 am on

03.12.2023, accused Nos.1 to 3 attacked the de facto complainant, who is none other than the sister of the 1st accused, and her son, with intention to cause grievous injuries and also to outrage her modesty. Recording the statement of the de facto complainant, crime alleging commission of offences punishable under Sections 294(b), 323, 324, 326, 357, 354, 354(A)(1), 354(B), 509 and 506(i) read with Section 34 of IPC was registered.

4. The learned counsel for the petitioners would

submit that the petitioners are innocent and there was a scuffle occurred between the 1st accused and the son of the de facto complainant when the son of the de facto complainant reached the house in a drunken mood. Highlighting the progress of investigation and the custody of the petitioners from 25.02.2024 and also pointing out the status of the petitioners as first time offenders, the learned counsel for the petitioners pressed for regular bail.

5. The learned Public Prosecutor zealously opposed

bail on the submission that very serious injuries caused justifying registration of crime alleging commission of the above offences and at the primitive stage of investigation, the petitioners do not deserve bail.

6. On perusal of the prosecution records, the

prosecution allegations are well made out and the de facto complainant and her son sustained multiple injuries as noted in the wound certificate. However, it appears that the petitioners have been in custody from 25.02.2024 and the investigation has achieved much progress. The petitioners are 1st time offenders. Therefore, the petitioners can be enlarged on bail by imposing conditions and one among the conditions is that, the petitioners shall not disturb the de facto complainant or her son, in any manner, during the currency of bail hereby granted and any such event, if reported or came to the notice of this Court, the same by itself shall be a reason to cancel the bail hereby granted. In the result, this bail application stands allowed. The petitioners are enlarged on regular bail on the following conditions: i. The petitioners shall be released on bail on executing bond for Rs.50,000/- (Rupees Fifty

Thousand Only) each, with two solvent sureties, each for the like amount to the satisfaction of the Jurisdictional court concerned. ii. The petitioners shall not intimidate the witnesses or tamper with evidence. They shall cooperate with the investigation and shall be available for trial. iii. The petitioners shall appear before the Investigating Officer as and when directed, apart from appearing before the Investigating Officer on all Mondays between 9 am and 10 am, for a period of one month. iv. The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of this case, so as to dissuade him

from disclosing such facts to the court or to any police officer. v. The petitioners shall not disturb the de facto complainant or her son, in any manner, during the currency of bail hereby granted and any such event, if reported or came to the

notice of this Court, the same by itself shall be a reason to cancel the bail hereby granted. Sd/- A. BADHARUDEEN JUDGE nkr

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