

Sumod @Arunmohan, vs State of Kerala,

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Court : Kerala

Decided On : Apr-30-2024

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./2991/2024

Appellant : Sumod @Arunmohan,

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. 2991 OF 2024 CRIME NO.346/2024 OF
NEYYATTINKARA POLICE STATION, THIRUVANANTHAPURAM
AGAINST THE ORDER DATED 22.03.2024 IN CRL.MP NO.1876 OF
2024 OF THE JUDICIAL FIRST CLASSMAGISTRATE-I,
NEYYATTINKARA PETITIONER/1ST ACCUSED: SUMOD
@ARUNMOHAN, AGED 32 YEARS S/O MOHANACHANDRAN,
KUZHIVILAKONAM VEEDU, VARUVILA, KOTTUKAL DESOM,
KOTTUKAL VILLAGE, THIRUVANANTHAPURAM, PIN - 695 501. BY
ADVS. VISHNU BHUVANENDRAN B.ANUSREE ABHILASH C.V.

VARUN JACOB RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682 031. BY 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: BAIL APPL. NO. 2991 OF 2024 2

P.G. AJITHKUMAR, J.

----- B.A.No. 2991 of 2024
----- 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 accused in Crime No.346 of 2024

of Neyyattinkara Police Station. He allegedly had committed the offences punishable under Sections 323, 324, 427, 506 (i) and 380 r/w Section 34 of the Indian Penal Code.

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

4. The prosecution allegation is that, the petitioner along with two others criminally trespassed into the

courtyard of the residential building of the de facto complainant and destroyed the utensils kept there. They had taken away flower pots displayed for sale, without paying consideration. When the husband of the de facto complainant intervened, the offenders attacked him using stick. The de BAIL APPL. NO. 2991 OF 2024 3

facto complainant sustained a loss of Rs.11,000/-, as a result of the mischievous acts of the accused.

5. The petitioner would contend that he did not involve

in the alleged crime and without any material or evidence, he has been implicated in the crime. He is innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for his further detention.

6. The learned Public Prosecutor would submit that

considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioner in the event of his release on bail, this petition deserve only to be dismissed.

7. The learned magistrate dismissed the application for bail submitted by the petitioner essentially on the ground that he had invoked in so many other crimes, most of which are grave in nature. True, a person involved in serious

crimes cannot be given absolute freedom. However, considering the nature of the offences involved in this case and the fact that he has been in custody since 19.03.2024, it is appropriate to grant him bail subject to strict conditions. BAIL APPL. NO. 2991 OF 2024 4 In the result, the bail application is allowed and the petitioner is granted bail on his 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;

(ii) He shall appear before the investigating officer as and when called for; and

(iii) 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 MSA

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