

Pranav, vs State of Kerala,

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Court : Kerala

Decided On : Aug-08-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./6505/2024

Appellant : Pranav,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY, THE 8TH DAY OF AUGUST 2024 / 17TH SRAVANA, 1946 BAIL APPL. NO. 6505 OF 2024 CRIME NO.81/2024 OF Kattoor Police Station, Thrissur PETITIONER(S)/ACCUSED NO.2: PRANAV, AGED 30 YEARS SON OF SETHUMADHAVAN, KOZHIPARAMBIL HOUSE, EDATHIRINJI VILLAGE, THRISSUR, PIN - 680122 BY ADVS. JITHIN BABU A ARUN SAMUEL ANOOD JALAL K.J. RESPONDENT(S)/STATE OF KERALA/DEFACTO COMPLAINANT & INJURED:

1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031 2 YASIM, AGED 25 YEARS S/O SALIM, PARAYAMVALAPPIL HOUSE, KATTOOR P O,

VALAKKAZHA, THRISSUR DISTRICT, PIN - 680702 3 MUHAMMAD HASHIK, AGED 26 YEARS S/O MAJEED, PUTHIYAVEETIL HOUSE, KATTOOR P O, VALAKKAZHA, THRISSUR DISTRICT, PIN - 680702 BY ADVS. K.R ARUN KRISHNAN (R2 & R3) SMT NEEMA T.V (SR PUBLIC PROSECUTOR) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 08th day of August, 2024 The application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS), by the 2nd accused in crime No.81 of 2024 of the Kattoor Police Station, Thrissur, which is registered against the accused for allegedly committing the offences punishable under Sections 341, 323, 324, 294(b), 506 and 308 read with Section 34 of the Indian Penal Code, 1860. The petitioner was arrested and remanded to judicial custody on 16.07.2024.

2. The essence of the prosecution case is that;

on 04.02.2024, at around 22:30 hours, the accused, in furtherance of their common intention, had wrongfully restrained the de facto complainant and his friend named Aashik, and the 2nd accused pulled down the de facto complainant and his friend. Thus, the 1 st accused stabbed the friend of the de facto complainant on his abdomen with the knife and he suffered grievous injuries. Thus, the accused has committed the above offences.

3. Heard; Sri.Jithin Babu A, learned counsel

appearing for the petitioner and Sri.Smt.Neema T.V, the learned Senior Public Prosecutor and Sri.K.R Arun Krishnan, learned counsel appearing for respondents 2 and 3/ de facto complainant and injured.

4. The learned counsel appearing for the

petitioner submitted that the petitioner is totally innocent of the accusations levelled against him. A reading of the First Information Report would show that the overt act is only alleged against the 1st accused, who inflicted the stab injuries on the injured. In any given case, the petitioner has been in judicial custody for the last one month, the investigation in the case is practically complete and recovery has been

effected. Furthermore, subject matter of the dispute between the petitioner and the respondents 2 and 3 have been settled out of court. The respondents 2 and 3 have filed Annexures-3 and 4 affidavits, stating that they have no subsisting grievance against the petitioner. Hence, the application may be allowed.

5. The learned Public Prosecutor submitted that

investigation in the case is in progress. She stated that she is not aware of the out of court settlement arrived at between the parties. The petitioner is a habitual offender.

6. The learned counsel appearing for the

respondents 2 and 3 vouched for their signatures on Annexures-3 and 4 affidavits. He stated that the subject matter of dispute between the petitioner and the respondents 2 and 3 has been settled out of court, and respondents 2 and 3 have no objection in the petitioner being enlarged on bail.

7. On an overall consideration to the facts, the

rival submissions made across the Bar, and the materials placed on record, particularly taking note of the fact that there is no specific overt act alleged against the 2nd accused, the subject matter of dispute between the petitioner and respondents 2 and 3 have been settled out of court and respondents 2 and 3 have filed Annexures-3 and 4 affidavits before this Court, stating that they have no objection, in the petitioner being enlarged on bail, and this Court has already enlarged accused 1 and 3 on bail as per the orders in B.A Nos.1817 of 2024 and 4517 of

2024, and furthermore, the investigation in the case is practically complete, and recovery has been effected, I am of the firm view that the petitioner is entitled to be enlarged on bail. In the result, the application is allowed, by directing the petitioner to be released on bail on him

executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum, to the satisfaction of the court having jurisdiction, which shall be subject to the following conditions:

(i) The petitioner shall appear before the

Investigating Officer on every Saturday between 9 a.m. and 11 a.m till the final report is laid. He shall also appear before the Investigating Officer as and when required;

(ii) The petitioner shall not directly or indirectly make any inducement, threat or procure to any person acquainted with the facts of the case so

as to dissuade him from disclosing such facts

to the court or to any Police Officer or tamper with the evidence in any manner, whatsoever;

(iii) The petitioner shall not commit any offence while he is on bail;

(iv) The petitioner shall surrender his passport, if

any, before the court below at the time of execution of the bond. If he has no passport, he shall file an affidavit to the effect before the court below on the date of execution of the bond;

(v) In case of violation of any of the conditions

mentioned 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 be moved and entertained by 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 petitioner even while the petitioner is 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. JJ APPENDIX OF BAIL APPL. 6505/2024 PETITIONERs ANNEXURES Annexure 1 A TRUE COPY OF THE REMAND REPORT IN CRIME NO. 81/2024 OF KATTOOR POLICE STATION, THRISSUR. Annexure 2 A TRUE COPY OF THE FIR IN CRIME NO. 197/2024 OF KATTOOR POLICE STATION. Annexure 3 THE AFFIDAVIT DATED 02/08/2024 SWORN BY THE 2ND RESPONDENT/DEFACTO COMPLAINANT. Annexure 4 THE AFFIDAVIT DATED 02/08/2024 SWORN BY THE 3RD RESPONDENT/INJURED. //true copy// PA TO JUDGE

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