

Sinto vs State of Kerala

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Court : Kerala

Decided On : Feb-27-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./957/2023

Appellant : SINTO

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
MONDAY, THE 27TH DAY OF FEBRUARY 2023 / 8TH PHALGUNA,
1944 BAIL APPL. NO. 957 OF 2023 CRIME NO.49 OF 2023 OF
KODAKARA POLICE STATION, THRISSUR PETITIONER/ACCUSED:
SINTO AGED 25 YEARS S/O.JOHNSON, PUTHANANGADI HOUSE,
KALLETUKARA VILLAGE & DESOM, KALLETUKARA.P.O.,
THRISSUR DISTRICT, PIN - 680683. BY ADVS. LINDONS C.DAVIS
E.U.DHANYA SWATHY A.P.

RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031.
SMT.T V NEEMA (SENIOR PUBLIC PROSECUTOR) THIS BAIL APPLICATION

HAVING BEEN FINALLY HEARD ON 14.02.2023, THE COURT ON 27.02.2023
DELIVERED THE FOLLOWING: B.A.No..957/2023 2

A.BADHARUDEEN, J.

===== B.A.No.957 of 2023
===== Dated this the 27th day of February,
2023

ORDER

This regular bail application has been filed at the instance of the petitioner, who is the sole accused in Crime No.49/2023 of Kodakara Police Station, Thrissur, under Section 439 of the Code of Criminal Procedure, wherein he alleged to have committed offences punishable under Sections 324 and 308 of the Indian Penal Code).

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor. Perused the case diary as such.

3. The prosecution case is that at 11.30 hours on 21.01.2023, the accused herein caused stab injury on the chest of the defacto complainant by using a knife with intention to commit culpable B.A.No..957/2023 3 homicide, not amounting to murder. On this premise, the prosecution alleges commission of the above offences by the petitioner.

4. While pressing for regular bail to the petitioner, who has

been in custody, from 22.01.2023, the learned counsel for the petitioner would submit that since the investigation, requiring the presence of the petitioner in custody, is practically over, the petitioner is liable to be released on bail, taking note of his custody from 22.01.2023.

5. While opposing bail, the learned Public Prosecutor

would submit that the petitioner is having involvement in 2 more crimes, viz., (i) Crime No. 290/2014 of Kodakara Police Station alleging commission of offences punishable U/s 341, 323, 324, 294(b), 506 (ii) r/w 34 IPC; and (ii) Crime No.96/2021 of Aloor Police Station, alleging commission of offences punishable U/s. 447, 341, 323, 506(ii) r/w 34 IPC.

6. The learned Public Prosecutor also would submit that B.A.No..957/2023 4

the defacto complainant sustained very serious injuries as could be read out from the wound certificate and, therefore, the prosecution case is well made out. Accordingly, it is submitted by the learned Public Prosecutor that release of the petitioner at the initial stage of investigation would hamper the investigation.

7. I have perused the case diary and the report of the Investigating Officer, which would suggest antecedents of the petitioner, as submitted by the learned Public Prosecutor.

8. On perusal of the copy of the wound certificate, it can

be gathered that a deep lacerated wound on the left side of chest with bleeding. Further an incised wound of 2 X 4 cm over the chest below left clavicle is noted. Thus the prosecution as to commission of the offences herein above referred is well established prima facie. The criminal antecedents of the petitioner are also would aggravate disentitlement, when the petitioner seeks bail. However, in consideration of the progress of the investigation and custody of the petitioner from B.A.No..957/2023 5 22.01.2023, I am inclined to release him on bail on conditions and one among the conditions is that the petitioner shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this Court, the same shall be a reason to cancel the bail hereby granted.

9. In the result, this bail application is allowed and the petitioner can be released on bail on the following conditions: i. Accused/petitioner shall be released on bail on his

executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties each for the like amount to the satisfaction of the jurisdictional court concerned. ii. Accused/petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial. He shall visit the Investigating Officer on every Monday in between 9 a.m and 12 noon for a period of two months and also appear before the Investigating Officer as and when directed. B.A.No..957/2023 6 iii. Accused/petitioner shall not leave India without prior permission of the jurisdictional court. iv. The accused/petitioner shall surrender his passport, if any, within 7 days from the date of his release, before the trial court. If he has no passports, he shall file an affidavit in this regard on the date of execution of the bond or within 3 days thereafter. v. Accused/petitioner shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this Court, the same shall be a reason to cancel the bail hereby granted. Sd/- (A. BADHARUDEEN, JUDGE) rtr/ B.A.No..957/2023 7 B.A.No..957/2023 8 APPENDIX OF BAIL APPL. 957/2023 PETITIONER'S ANNEXURES Annexure A1 A COPY OF THE FIR DATED 22.01.2023 IN CRIME NO.49/2023 OF KODAKARA POLICE STATION Annexure A2 A COPY OF THE ORDER DATED 25.01.2023 IN CRL.M.P. 763/2023 IN CRIME NO.49/2023, BY THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, IRINJALAKUDA

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