

Shine vs State of Kerala

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Court : Kerala

Decided On : Mar-06-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./1558/2023

Appellant : SHINE

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
MONDAY, THE 6TH DAY OF MARCH 2023 / 15TH PHALGUNA, 1944
BAIL APPL. NO. 1558 OF 2023 CRMC 323/2023 OF DISTRICT COURT
& SESSIONS COURT, TRIVANDRUM CRIME NO.39/2023 OF
ARYANCODE POLICE STATION PETITIONER/S: SHINE AGED 28
YEARS S/O. SHAJI, SHINE BHAVAN, VATTAPARAMBU, VALICODE
DESOM, OTTASEKHARAMANGALAM VILLAGE,
THIRUVANANTHAPURAM, PIN - 695541 BY ADVS. R.N.SANDEEP
KEERTHI VIJAYAN RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 2 CIRCLE INSPECTOR OF POLICE

ARYANCODE POLICE STATION ARYANCODE POLICE STATION,
F4CH+P9C, ARIYANCODE, THIRUVANANTHAPURAM, PIN - 695125
SMT. MAYA M.N., PUBLIC PROSECUTOR THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 06.03.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: :2 :

ORDER

Dated this the 6th day of March, 2023 This application is filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The applicant is accused No.1 in Crime No.39/2023 of Aryancode Police Station. The offences alleged are punishable under Sections 341, 294(b), 323, 324, 307 read with Section 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 14.01.2023

at 9 p.m., the applicant along with two other accused assaulted the defacto complainant, her husband and her daughter with a chopper with intention to kill them and thereby committed the offence.

4. I have heard Sri. R.N. Sandeep, the learned counsel for the applicant and Smt. Maya M.N., the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that

the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials :3 : are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and he is not entitled to bail at this stage.

6. The applicant was remanded to judicial custody on

15.01.2023. The investigation is almost over. The recovery has already been effected. For all these reasons, I do not find any reason to hold that the continued

detention of the applicant is required for any purpose. Hence, the applicant is entitled to be released on bail. In the result, the application is allowed on the following conditions: -

(i) The applicant shall be released on bail on executing a bond for `1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The applicant shall fully co-operate with the investigation.

(iii) The applicant shall appear before the investigating

officer between 10.00 a.m and 11.00 a.m. on every Saturday until further orders. He shall also :4 : appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of

the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/- Dr. KAUSER EDAPPAGATH JUDGE ncd :1 : APPENDIX OF BAIL APPL. 1558/2023 PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE ORDER DATED IN THE HON'BLE PRINCIPAL SESSIONS COURT, THIRUVANANTHAPURAM

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