

Deepak vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-05-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./1938/2023

Appellant : Deepak

Respondent : State of Kerala

Judgement :

BA NO. 1938/2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
WEDNESDAY, THE 5TH DAY OF APRIL 2023 / 15TH CHAITHRA, 1945
BAIL APPL. NO. 1938 OF 2023 CRIME NO.1007/2020 OF Kundara
Police Station, Kollam PETITIONER/ACCUSED: DEEPAK AGED 35
YEARS S/O.SWADEEP, KAVITHA BHAVAN, PERINADU VILLAGE,
CHERUMOODU CHERRY, KOLLAM, PIN - 691601 BY ADV ARUN
BABU RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2
INSPECTOR OF POLICE KUNDARA POLICE STATION, KOLLAM , PIN
- 691501 BY SRI.MAYA.N -PUBLIC PROSECUTOR THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 05.04.2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA
NO. 1938/2023 2

ORDER

This is application for regular bail filed by the accused in S.C.No.1271/2020 on the file of the Additional Sessions Court IV, Kollam (for short 'the court below').

2. The offences alleged against the applicant are punishable under Sections 324 and 302 of IPC.

3. The prosecution case, in short, is that on 11.4.2020 at about 10 pm, the applicant committed murder of his wife and thereby committed the offence.

4. I have heard Sri.Arun Babu, the learned counsel for the applicant and Smt.Maya.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 are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. On BA NO. 1938/2023 3 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 12.4.2020.

A perusal of the case diary would reveal that the accusation against the applicant is very serious, and it prima facie shows a premeditated criminal act on his part. The offences alleged against the applicant are grave and serious in nature. He has murdered his own wife. The applicant is not a native of Kerala. In these circumstances, the learned Public Prosecutor strongly opposed the application.

7. I have called for a report from the learned Sessions Judge,

who reported that the case has already been scheduled for trial from 24.5.2023 to 2.6.2023 and it can be disposed within four months. Taking into account the grievous nature of the crime and also the fact that the applicant is a native of Calcutta, I am not inclined to grant bail to the applicant. The court below is directed to dispose of the case as stated in the report.

8. The learned counsel for the applicant submitted that unless BA NO. 1938/2023
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the applicant is released on bail, he will not be in a position to instruct his counsel during trial. The court below is directed to give sufficient opportunity to the applicant to meet his counsel either at the jail or at the court premises before and during trial. The bail application is accordingly dismissed. Sd/- DR. KAUSER
EDAPPAGATH JUDGE ab

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