

Vinod vs State of Kerala

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Court : Kerala

Decided On : Apr-28-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./2306/2023

Appellant : VINOD

Respondent : State of Kerala

Judgement :

B.A No.2306 of 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 BAIL
APPL. NO. 2306 OF 2023 CRIME NO.102/2023 OF KURATHIKADU
POLICE STATION, ALAPPUZHA PETITIONER/S: VINOD AGED 50
YEARS S/O KRISHNANKUTTY, RESIDING AT VISHNU BHAVANAM,
UMBERNAADU MURI, THEKKEKKARA, ALAPPUZHA, PIN - 690107
BY ADVS. M.KIRANLAL MANU RAMACHANDRAN R.RAJESH
(VARKALA) SAMEER M NAIR GEETHU KRISHNAN SAILAKSHMI
MENON

RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY ADVS. SRI.VIPIN NARAYAN, SENIOR G.P. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A No.2306 of 2023 2 ZIYAD RAHMAN A.A., J ----- B.A No.2306 of 2023 ----- Dated this the 28th day of April, 2023

ORDER

The petitioner is the sole accused in Crime No.102/2023 of the Kurathikadu Police Station, Alappuzha. The offences alleged against the petitioner are punishable under Sections 302 and 506 of the Indian Penal Code.

2. The prosecution case is that on 16.2.2023 at about 11.30 pm., the petitioner attacked one Sajesh by stabbing him on his left hand. Consequent to the injuries sustained, the said Sajesh died and the crime was registered in such circumstances. In connection with the investigation of the said case, the petitioner was arrested on 20.2.2023 and since then, he has been under detention.

3. Heard Sri.Kiran Lal, the learned counsel appearing for the petitioner and Sri.Vipin Narayan, the learned Public Prosecutor appearing for the respondent. B.A No.2306 of 2023 3

4. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations. It is further pointed out that, the incident occurred during the course of a scuffle between the deceased and the de facto complainant. During the course of such scuffle, the de facto complainant sustained a minor injury on the left hand. But later, due to loss of blood, his death occurred. The petitioner further submits that he is prepared to abide any conditions that may be imposed by this Court.

5. On the other hand the learned Public Prosecutor opposed the

application for bail. It is pointed out that, in fact, the petitioner carried a knife with him and attempted to inflict injury on the chest, but, during the course of scuffle, the injuries sustained on the hand. Therefore, it is pointed out that, the bail cannot be granted to the petitioner.

6. I have gone through the records and considered the contentions

raised by both sides. It is true that there are certain allegations against the petitioner. But from the materials produced on record, it is evident that there is only a single injury on the body of the deceased. The petitioner is not involved in any other criminal cases. Now, the petitioner is in custody since 20.2.2023 and there is substantial progress in the investigation. In such B.A No.2306 of 2023 4 circumstances, the continued incarceration of the petitioner appears to be not necessary. Therefore, the petitioner can be released on bail by incorporating appropriate conditions to ensure that the petitioner is not entering within the territorial limits of the police station concerned until the investigation is completed. Accordingly, this application for bail is allowed and the petitioner is directed to be released on bail subject to the following conditions:

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

2) The petitioner shall fully co-operate with the investigation. 3) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m on every Wednesday until the filing of final report. 4) The petitioner shall appear before the Investigating Officer as and when required. 5) The petitioner shall not commit any offence of similar nature while on bail. 6) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or

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influence any witnesses or other persons related to the investigation. 7) The petitioner shall not leave the State of Kerala without the permission of the jurisdictional court. 8) The petitioner shall not enter into the territorial limits of Kurathikadu Police Station until the filing of final report except for the purpose of reporting to the police in compliance with the directions issued in this order. 9) The petitioner shall surrender his passport before the Jurisdictional court and, in case he does not have a passport, an affidavit to that effect shall be filed. In case of violation of any of the above conditions, the jurisdictional

Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A. JUDGE ab

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