

Sunish @ Sunil, vs State of Kerala,

Sunish @ Sunil, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1353010

Court : Kerala

Decided On : Jun-01-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./2864/2023

Appellant : Sunish @ Sunil,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
THURSDAY, THE 1ST DAY OF JUNE 2023 / 11TH JYAISHTA, 1945
BAIL APPL. NO. 2864 OF 2023 CRIME NO. 877 OF 2022 OF TOWN
NORTH POLICE STATION PETITIONER/ACCUSED (A1): SUNISH @
SUNIL, AGED 28 YEARS S/O SASI, ECHAM VEEDU ,
NELLIYAMKUNNU VANUR , ALATHUR, PALAKKAD, PIN - 678541 BY
ADV V.A.HARITHA RESPONDENT/COMPLAINANT: STATE OF
KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, PIN - 682031 OTHER PRESENT:
SRI. P G MANU SR-PP THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 01.06.2023, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: BA No. 2864 of 2023 2

A.BADHARUDEEN, J.

----- BAIL APPL. No. 2864 of 2023

----- Dated this the 1st day of June, 2023.

ORDER

This is an application for regular bail filed by the sole accused in Crime No.877/2023 of Town North Police Station, Palakkad.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the relevant documents placed by the learned Public Prosecutor.

4. Prosecution case is that, at about 11.30 p.m on 19.09.2022, the

accused herein, snatched away a gold chain worn by the defacto complainant who walked on the side of the Over Bridge, near Olavakode railway station. Thus, the prosecution alleges commission of offences punishable under Sections 392 r/w 34 of Indian Penal Code.

5. The learned counsel for the petitioner would submit that the petitioner has been in custody from 26.09.2022, though he has criminal

BA No. 2864 of 2023 3 antecedents. The learned counsel for the petitioner submitted that the petitioner shall not involve in similar crimes if he would be released on regular bail and thereby imposing such a condition, the petitioner may be released on bail.

6. According the learned Public Prosecutor, in this crime, the

arrest was recorded on 26.09.2022, when he was arrested in another crime and this is the 7th crime alleged to be committed by the petitioner. The learned Public

Prosecutor pointed out that if the petitioner would be released on bail, he would repeat similar crime. Therefore, he is not liable to be released on regular bail. However, further it is submitted that, if at all, he may be released on bail, there shall be a condition restraining involvement of the petitioner in further crimes and recording that such involvement shall be a reason to cancel the bail hereby granted.

7. On going through the available materials, the prosecution case is well made out, prima facie. It is anxious and shocking to look into the petitioners involvement in following crimes, apart from the present crime; Town North PS Crime 1290/2020 U/s 379 IPC 1055/2020 U/S 379 r/w 34 IPC Crime 25/2018 U/s 341, 323, 324, 506 9ii) r/w 34 IPC BA No. 2864 of 2023 4

Crime 1054/2022 U/s 379 r/w 34 IPC Crime 1053/2020 U/s 379 r/w 34 IPC Town South PS Crime 908/2022 U/s 511 of 380 r/w IPC It is submitted that this is the 7th crime committed by the petitioner.

However, taking note of the custody of the petitioner from 26.09.2022, he can be enlarged on bail on stringent conditions and one among the conditions is that he shall not commit any crime during the currency of bail hereby granted 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.

In the result, this petition stands allowed as under; i. The petitioner shall be released on bail on their executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) by him and with solvent sureties, for the like amount to the satisfaction of the jurisdictional court concerned. ii. The petitioner shall not intimidate the witnesses or tamper with evidence. He shall co-operate with the investigation and shall be available for trial. iii. The petitioner shall appear before the Investigating Officer as and when directed and also appear before the investigating

BA No. 2864 of 2023 5

officer on all Mondays for a period of four months from the date of release, without fail. It is specifically make clear that violation of this condition by itself alone is a reason to cancel the bail hereby granted. iv. The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade him from disclosing such facts to the court or to any police officer. v. 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 alone shall be a reason to cancel the bail hereby granted.

Sd/- A.BADHARUDEEN, JUDGE. mtk

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com