

Renjith R vs the State of Kerala

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Court : Kerala

Decided On : Jun-27-2023

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Bail Appl./3041/2022

Appellant : Renjith R

Respondent : The State of Kerala

Judgement :

BAIL APPL. NO. 3041 OF 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
TUESDAY, THE 27TH DAY OF JUNE 2023 / 6TH ASHADHA, 1945
BAIL APPL. NO. 3041 OF 2022 CRIME NO.219/2022 OF Vadakara
Police Station, Kozhikode PETITIONER/S:

1 RENJITH R AGED 25 YEARS S/O RAMAKRISHNAN. T.A .,
AMBALAKAYIL, PUTHUPPANAM P.O., VATAKARA, KOZHIKODE
DISTRICT-, PIN - 673105 2 AKSHAY S AGED 25 YEARS S/O
RAVEENDHRAN, SREEKRISHNAPURATH, PUTHUPPANAM P.O.

VATAKARA, KOZHIKODE, PIN - 673105 3 ASWIN K.S AGED 24 YEARS S/O VISHWASENAN, KATHEENTAVIDA, TOTTATHIL ROAD, CHENGALA, PUTHUPPANAM P.O. VATAKARA, KOZHIKODE, PIN - 673105 4 SAYOOJ SATHYAN K.M AGED 26 YEARS S/O SUJALA N., MANIYOTH, PUTHUPPANAM P.O. VATAKARA, KOZHIKODE, PIN - 673105 5 ASWANTH AGED 25 YEARS S/O BOOTHESAN , KARUKAYIL, PUTHUPPANAM P.O. VATAKARA, KOZHIKODE, PIN - 673105 6 ARJUN PRADEEP P.K AGED 24 YEARS S/O PRADEEPAN, PADINJARE KUTTIYIL, PUTHUPPANAM P.O. VATAKARA, KOZHIKODE, PIN - 673105 BY ADVS.

BAIL APPL. NO. 3041 OF 2022 2 SUNNY MATHEW NIKITTA TRESSY GEORGE RESPONDENT/S:

1 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM] COCHIN, PIN - 682031 2 THE STATION HOUSE OFFICER VATAKARA POLICE STATION, KOZHIKODE DISTRICT, PIN - 3 BABU N K @ BABURAJAN, AGED 58 YEARS S/O GOVINDAN, RESIDING AT LAKSHMI NIVAS, KHEEZHAL (P.O), VATAKARA - 673104 (IS IMPEADED AS ADDL.2ND RESPONDENT IN THIS WRIT PETITION AS PER ORDER IN CRL.M.A.1/23 DATED 27.06.23) BY ADVS. C.BHASKARAN ARJUN C BHASKAR ASADU AHMMED CHULLINTE JUNY VARGHESE POOJA BABU SMT.MAYA M.N. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 3041 OF 2022 3 P.V.KUNHIKRISHNAN, J ----- B.A. No. 3041 of 2022 ----- Dated this the 27th day of June, 2023

ORDER

This Bail Application filed under Section 438 of Criminal Procedure Code (Cr.P.C.)

2. The petitioners are accused in Crime No. 219/2022

of Vatakara Police Station. The above case is registered against the petitioners and others alleging offences punishable under Secs. 143, 147, 148, 341, 323, 324, 326, 447, 448, 449, 506, 307 r/w 149 of the IPC.

3. The prosecution case is that on 28.02.2022 at about 6 pm, the accused in the above case formed themselves into

an unlawful assembly armed with dangerous weapons criminally trespassed into the rented house of one Sri.Sukunan and in prosecution of the common object of the unlawful BAIL APPL. NO. 3041 OF 2022 4 assembly beat the defacto complainant, his friend Sukunan and son of Sukunan and thereby attempted to cause death to the defacto complainant and others. Hence, it is alleged that the petitioners committed the offences.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The counsel for the petitioners submitted that the

main accused is already arrested. There is an interim order

restraining the arrest of the petitioners and that interim order

is in force. The Public Prosecutor opposed the bail application. The Public Prosecutor submitted that the custodial interrogation of the petitioners are necessary.

6. This Court considered the contentions of the

petitioners and the Public Prosecutor. This bail application is pending before this Court from 30.11.2022. There is an interim order also in favour of the petitioners to the effect that the petitioners shall not be arrested. At this distance of time, it will be an injustice to dismiss this bail application. It is true BAIL APPL. NO. 3041 OF 2022 5 that the allegations against the petitioners are very serious. But, considering the facts and circumstances of this case, the petitioners can be allowed to surrender before the investigating officer and if there is any need to

arrest, the petitioners can be released on bail on stringent conditions.

7. Moreover, it is a well accepted principle that, the bail

is the rule and the jail is the exception. The Hon'ble Supreme Court in Chidambaram P. v. Directorate of Enforcement (2019 (16) SCALE 870), after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that, the accused has the opportunity of securing fair trial.

8. Considering the dictum laid down in the above decision and considering the facts and circumstances of this case, this Bail Application is allowed with the following directions:

1. Petitioners shall appear before the Investigating BAIL APPL. NO. 3041 OF 2022 6 Officer within ten days from today and shall undergo interrogation;

2. After interrogation, if the Investigating Officer

proposes to arrest the petitioners, they shall be released on bail on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the officer concerned;

3. Petitioners shall appear before the Investigating

Officer for interrogation as and when required. The petitioners shall co-operate with the investigation and shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

4. Petitioners shall not leave India without permission of the jurisdictional Court;

5. Petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the BAIL APPL. NO. 3041 OF 2022 7 commission of which they are suspected;

6. The petitioners shall appear before the investigating officer on all Mondays at 10 am till final report is filed.

7. If any of the above conditions are violated by the petitioners, the jurisdictional Court can cancel the bail in accordance to law, even though the bail is granted by this Court. sd/- P.V.KUNHIKRISHNAN JUDGE SKS

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