

Abhishek, 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./3218/2023

Appellant : Abhishek,

Respondent : State of Kerala

Judgement :

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
CRIME NO.158/2023 OF MEDICAL COLLEGE POLICE STATION,
THRISSUR PETITIONER/ACCUSED NO.1 ABHISHEK, AGED 36
YEARS S/O. UPENDRAN, EACHARATH HOUSE, CHOOLISSERY
VILLAGE AND DESOM, THRISSUR TALUK AND DISTRICT, PIN -
680541 BY ADVS. K.M.MUHAMMED HUSSAIN K.V.SREE VINAYAKAN
RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2
STATION HOUSE OFFICER THRISSUR MEDICAL COLLEGE POLICE
STATION, THRISSUR DISTRICT, PIN - 680596 BY ADV PUBLIC

PROSECUTOR SRI.VIPIN NARAYAN - SR.PUBLIC PROSECUTOR
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

The petitioner is the 1st accused in Crime No.158/2023 of Thrissur Medical College Police Station. The offences alleged against the petitioner are under Sections 341, 324, 506(ii) and 307 read with Section 34 of IPC.

2. The prosecution case is that on 19.02.2023 at 10.30 p.m.

the petitioner along with 2nd accused attacked the defacto complainant in a way near the house of the defacto complainant with an iron rod. It is also alleged that the defacto complainant was

stabbed with a knife. The crime was registered in such circumstances and as part of the investigation the petitioner was arrested on 21.02.2023. Since then he has been under judicial detention. Even though the petitioner approached this Court earlier, the same was dismissed as per Annexure A2 order. This application is submitted in such circumstances.

3. Heard Sri. K.M.Muhammed Hussain, learned counsel appearing for the petitioner and Sri.Vipin Narayan, learned Public Prosecutor for the State.

4. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations and he was falsely implicated in this case.

5. On the other hand, the learned Public Prosecutor would

oppose the aforesaid application by pointing out that there are serious allegations against the petitioner. Besides the same, it was pointed out that the petitioner is also having antecedents as he is involved in two other cases as well.

6. I have gone through the records. It is true that there are

serious allegations against the petitioner and he is also having criminal antecedents. However, the fact remains that the petitioner is in custody since 21.02.2023. There is substantial progress in the investigation. Considering the period of detention the petitioner had undergone, I am of the view that the further incarceration of the petitioner may not be necessary. Therefore, the petitioner can be released on bail subject to stringent conditions to ensure his cooperation with the investigation.

In such circumstances, this application 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 Tuesday and Saturday 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 in any other way try to tamper with the evidence or 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 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
scs APPENDIX OF BAIL APPL. 3218/2023 PETITIONER ANNEXURES Annexure
A1 THE TRUE COPY OF THE ORDER DATED 02.03.2023 PASSED BY THE
COURT OF JUDICIAL FIRST CLASS MAGISTRATE COURT,
WADAKKANCHERRY IN C.M.P. NO. 724/2023 Annexure A2 THE CERTIFIED
COPY OF THE ORDER IN B.A.NO.2490/2023 DATED 11-04-2023 Annexure A3
THE TRUE COPY OF THE FIR IN CRIME NO. POLICE STATION, THRISSUR
DISTRICT

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