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Milton vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1357540

Court : Kerala

Decided On : May-02-2023

Judge : Honourable Mr.Justice K. Babu

Appeal No. : Bail Appl./3358/2023

Appellant : Milton

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE K. BABU TUESDAY, THE 2ND DAY OF MAY 2023 / 12TH VAISAKHA, 1945 BAIL APPL. NO. 3358 OF 2023 CRIME NO.10/2022 OF Fort Kochi Police Station, Ernakulam AGAINST THE ORDER CMP 548/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS -I, KOCHI

PETITIONER/ACCUSED NO.3: MILTON AGED 43 YEARS, S/O BONIFAS, H. NO.3/103, VANIYAKUDI, KANYAKUMARI DISTRICT, TAMIL NADU, PIN - 629 251. BY ADVS. R.T.PRADEEP P.BIJIMOL M.BINDUDAS RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF

KERALA, ERNAKULAM, PIN - 682 031. BY ADV SMT.BINDHU O.V (PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.05.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BABU, J.

---------- B.A No.3358 of 2023
---------- Dated this the 2nd day of May, 2023

ORDER

This is an application filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is accused No.3 in Crime No.10/2022 of Fort Kochi Coastal Police Station. The offences alleged against the petitioner are punishable under Sections 395 & 363 of the Indian Penal Code.

3. The prosecution case is that the de facto

complainant and accused No.1 have financial dispute regarding a fishing boat. On account of such animosity, with an intention to commit robbery, the petitioner and the other accused took away the boat owned by the de facto complainant, which was anchored 7 nautical miles away from Kochi Coast.

4. The petitioner was arrested on 04-04-2023 and has been in judicial custody since then.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

6. The learned counsel for the petitioner submitted

that the investigation in this case is almost over and therefore further detention of the petitioner is not required. She further submitted that the accused No.1 in this case was granted pre-arrest bail by this Court as per order dated 18-07-2022 in B.A.No.3868 of 2022.

7. The learned Public Prosecutor opposed the bail plea of the petitioner.

8. The materials placed before the Court would reveal that the investigation is almost in the final stage and the boat involved was retrieved by the Police on 17-05-2022.

9. Having regard to the nature of the allegations,

stage of the investigation and the tenure of judicial custody undergone by the petitioner, I am of the view that the petitioner is entitled to be released on bail on conditions. In the result, the Bail Application is allowed as follows:

(a) The petitioner shall be released on bail on his executing bond for Rs.50,000/ (Rupees Fifty Thousand Only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(b) The petitioner shall appear before the Investigating Officer on all Mondays between 10 A.M. and 11 A.M. for a period of three months or till the final report is filed, whichever is earlier.

(c) The petitioner shall not try to influence the prosecution witnesses or attempt to tamper with the evidence. Sd/- K.BABU, JUDGE ats

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