

Vishnu vs State of Kerala

Vishnu vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1363784

Court : Kerala

Decided On : Jun-15-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./4317/2023

Appellant : Vishnu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS THURSDAY, THE 15TH DAY OF JUNE 2023 / 25TH JYAISHTA, 1945 BAIL APPL. NO. 4317 OF 2023 CRIME NO.289/2023 OF Kayamkulam Police Station, Alappuzha PETITIONER: VISHNU AGED 28 YEARS S/O ULLAS, KANNARACHIRA HOUSE, NEDEUMBARAM MURI, NEDUMBRAM, NADUVILE MURI, THIRUVALLA, PATHANAMTHITTA, PIN - 689101

BY ADV M.R.SASITH RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 BY ADV.SMT.T.V.NEEMA, SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON 15.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.4317/2023 2

BECHU KURIAN THOMAS, J.

B.A.No.4317 of 2023 Dated this the 15th day of June, 2023

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.

2. Petitioner is the accused in Crime No.289 of 2023 of Kayamkulam Police Station, Alappuzha District, alleging offences punishable under Sections 225B, 332 and 333 of the Indian Penal Code, 1860.

3. According to the prosecution, on 01.04.2023, the

petitioner, who was already an accused in Crime No.1057 of 2020 of Mavelikkara Police Station, while being taken to the Central Prison, Thiruvananthapuram, from the Magistrate's Court attempted to escape from police custody after assaulting the police officers and thereby committed the offences alleged.

4. I have heard Sri.M.R.Sasith, learned counsel for the petitioner, as well as Smt.T.V.Neema, learned Public Prosecutor.

5. The allegation against the petitioner is that he tried to

escape while being taken to the Central Prison from the B.A.No.4317/2023 3 Magistrate's Court. The petitioner is already an accused in two crimes as Crime No.1057 of 2020 and Crime No.110 of 2023. Petitioner was presented before court in those two cases and it is during the return journey that he attempted to escape. Eventhough the allegations are serious in nature, considering the period of detention already undergone from 01.04.2023, I am of the view that petitioner can be released on bail on stringent conditions:

6. In the result, this application is allowed on the following conditions:-

(a) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioner shall appear before the Investigating Officer as and when required.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave the State of Kerala without the

permission of the Court having jurisdiction. In case of violation of any of the above conditions, the B.A.No.4317/2023 4 jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. Sd/- BECHU KURIAN THOMAS JUDGE csl

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