

Sobin vs State of Kerala

Sobin vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1370383

Court : Kerala

Decided On : Jul-12-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./5190/2023

Appellant : SOBIN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
WEDNESDAY, THE 12TH DAY OF JULY 2023 / 21ST ASHADHA, 1945
BAIL APPL. NO. 5190 OF 2023 CRIME NO.143 OF 2023 OF
HARIPPAD POLICE STATION, ALAPPUZHA PETITIONER/6TH
ACCUSED: SOBIN AGED 23 YEARS S/O ANTONY, ANJIL,
KARUVATTA, KARUVATTA NORTH.P.O., ALAPPUZHA, PIN - 690517
BY ADVS. A.RAJASIMHAN VYKHARI.K.U ANAS ALI M.M.
RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - OTHER
PRESENT: ADV SEETHA S-SR PP THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 12.07.2023, THE COURT ON THE

SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the sixth accused in FIR No.143/2023

of Harippad Police Station, Alappuzha. The offences alleged against the petitioner and other accused are under Sections 143, 147, 148, 149, 451, 354, 341, 294(b), 509, 506 and 324 of IPC and also under Section 27 of the Arms Act, 1959.

3. The prosecution case is that on 14.02.2023 at 5 p.m, six identifiable persons including the petitioner herein came in a car through near TKMM College, Nangiyarkulangara and uttered

obscene words, caught hold of the defacto complainant, threatened her by exhibiting a sword and injured her. It is also alleged that one of the friends of the defacto complainant was also assaulted. The crime was registered in such circumstances and as the petitioner apprehends arrest in connection with the investigation of the said case, the application for anticipatory bail is submitted.

4. Heard Sri.A. Rajasimhan, learned counsel appearing for the petitioner and Sri.Seetha S., learned Senior Public Prosecutor appearing for the State.

5. The learned counsel for the petitioner submits that the

petitioner is innocent of all the allegations. According to him, it was the petitioner, who sustained injuries in the incident. He placed reliance on Annexure A2 medical records wherein it is shown that the petitioner was undergoing inpatient treatment for the period from 15.02.2023 till 28.02.2023.

6. The learned Public Prosecutor, on the other hand, opposed the said prayer. It is pointed out that there are certain allegations against the petitioner and the matter is being investigated.

7. I have gone through the records. It is discernible that,

the main allegations relating to the threat using the weapon was against the first accused. From the FIS, no specific overt act is alleged against the petitioner. Besides the same, Annexure A2 would indicate that the petitioner sustained injuries as well, in the very same incident. When all the aforesaid aspects are taken into consideration, I deem it appropriate to pass some orders to protect the personal liberty of the petitioner even while ensuring

his cooperation with the investigation. Therefore, this application is disposed of with the following conditions:

(i) The petitioner shall surrender before the Investigating officer, within a period of three weeks from today, for subjecting himself for interrogation.

(ii) After interrogation, the petitioner shall be

released on bail, on the very same day of surrender upon the petitioner 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 investigating officer.

(iii) The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for the purpose of recovery, if any, as and when demanded.

(iv) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Monday until the filing of the final report.

(v) The petitioner shall appear before the investigating officer as and when required.

(vi) The petitioner shall not commit any offence of similar nature while on bail.

(vii) 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. (viii) The petitioner shall not leave India without the permission of the jurisdictional court. 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 shg APPENDIX OF BAIL APPL. 5190/2023 PETITIONER ANNEXURES AnnexureA1 TRUE COPY OF THE FIR NO. 143 OF 2023 OF HARIPPAD POLICE STATION, ALAPPUZHA AnnexureA2 TRUE COPY OF THE DISCHARGE SUMMARY DATED 28-2-2023 ISSUED BY THE BELIEVERS CHURCH MEDICAL COLLEGE HOSPITAL, THIRUVALLA

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