

Sam Kumar vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-02-2023

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

Appeal No. : Bail Appl./5764/2023

Appellant : Sam Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
WEDNESDAY, THE 2ND DAY OF AUGUST 2023 / 11TH SRAVANA,
1945 CRIME NO.1119/2022 OF YEROOR POLICE STATION, KOLLAM
DISTRICT PETITIONER/ACCUSED: SAM KUMAR AGED 40 YEARS
S/O SASIDHARAN PILLAI, RESIDING AT SYAM VILASAM,
EDAKOCHI, VILAKKUPARA, AYIRANELLOOR, KOLLAM, PIN - 690538
BY ADVS. R.N.SANDEEP B.MUHAMMED SHAHEEL KEERTHI
VIJAYAN RESPONDENTS/STATE: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 2 STATION HOUSE OFFICER, YEROOR
POLICE STATION YEROOR P.O, KOLLAM, PIN - 691312 BY ADV

ADV. SREEJA V - SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.1119/2022 of Yeroor Police Station. The offence alleged against the petitioner are under Section 302 read with Section 34 of IPC.

2. The prosecution case is that on 22.12.2021 at about 6.30

p.m. the petitioner committed murder of his wife in his house and thereby committed the offences. The crime was registered in such circumstances and as part of the investigation the petitioner was arrested on 23.12.2021 and since then the petitioner has been in judicial custody. This application for regular bail is submitted in such circumstances.

3. Heard Sri.R.N.Sandeep, learned counsel for the petitioner and Smt.Sreeja V., learned Public Prosecutor for the State.

4. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations. He also submits that now more than 500 days have been over since the date of his arrest and there is no purpose in keeping the petitioner under detention.

5. On the other hand, the learned Public Prosecutor

opposes the said application by pointing out that, wife of the deceased was brutally murdered and as per the post mortem report 50 ante-mortem injuries were there on the body of the victim. Besides the same, the petitioner was also involved in Crime No.818/2021 of Yeroor Police Station under Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015, for assaulting his own children. The crucial witnesses are the two children of the petitioner, aged 15 and 12 years and the chances of influencing and intimidating the victims cannot be ruled out, if the petitioner is released on bail. Dismissal of the application was

sought in such circumstances.

6. Earlier, when the matter came up for consideration, this

Court directed the learned Sessions Judge before whom the matter is pending as S.C. No.1326/2022, as to the probable time required for completing the trial under normal circumstances. In response to the same, a report dated 26.07.2023 has been placed on record, wherein it is mentioned that, the trial has not started, as the FSL is not received so far. It is reported that, the trial of the said case can be completed within a period of four months upon receipt of the FSL report.

7. I have carefully gone through the records. As rightly

pointed out by the learned Public Prosecutor this is a case in which the wife of the petitioner was murdered in a brutal manner. Yet another crime is also registered for assaulting the children of the petitioner who are crucial witnesses in this case. In such circumstances, I find some force in the apprehension voiced by the learned Public Prosecutor as to the possibility of intimidation and influence being exerted upon the witnesses, if the petitioner is released on bail. Thus, when taking note of the serious nature of allegations and the chances of influencing witnesses, I am of view that, this is not a fit case in which bail can be granted to the petitioner.

Therefore, I do not find any merit in this application. However, it is ordered that, every endeavour shall be taken by the learned Sessions Judge to complete the trial of the said case as expeditiously as possible. Sd/- ZIYAD RAHMAN A.A.
JUDGE scs

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