

Sathyan vs State of Kerala

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Court : Kerala Orders

Decided On : Sep-11-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./6938/2023

Appellant : Sathyan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 11TH DAY OF SEPTEMBER 2023 / 20TH BHADRA,
1945 BAIL APPL. NO. 6938 OF 2023 AGAINST THE ORDER DATED
25.07.2023 IN SC 302/2023 OF I ADDITIONAL SUB COURT,
THRISSUR PETITIONER/ACCUSED: SATHYAN AGED 50 YEARS S/O.
CHANDRAN, THALAPPILLY KODASSERY NAYADI COLONY VELUR
VILLAGE, THRISSUR, PIN - 680601 BY ADV RESMI NANDANAN
RESPONDENTS/STATE & VICTIM:

1 STATE OF KERALA REP. BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM (CRIME NO. 1300/2022 OF MEDICAL
COLLEGE POLICE STATION, THIRUVANANTHAPURAM DISTRICT),

PIN - 2 XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXX SRI. NOUSHAD K A (SR PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioner is the accused in S.C. No.302 of 2023 on the files of First Additional Sessions Judge-1, Thrissur. The allegation against the petitioner is that on 27.02.2013 at about 9.00 p.m., the accused assaulted the defacto complainant in Crime No.135/2013 of Erumapetty Police Station with a wooden block on her shoulder and undressed her and inflicted injuries on her private parts by burning it with his gas lighter. The defacto complainant in Crime No.135 of 2013 of Erumapetty Police Station was the wife of the petitioner. The petitioner was granted bail in the aforesaid case. However, he did not appear in S.C. No.94 of 2015 leading to cancellation of his bail bonds. The case was transferred to the register of long pending cases as L.P. No.11 of 2022. Thereafter, the petitioner was arrested and produced before the Court on 21.03.2023 and he was remanded and the case was refiled as S.C.No.302 of 2023.

2. The learned Public Prosecutor would submit

that the petitioner is clearly not entitled to bail. It is submitted that after obtaining bail in this case earlier, the petitioner murdered his wife and therefore, faces prosecution for having committed offence under Section 302 of the India Penal Code. It is also pointed out that after obtaining bail in the earlier case, the petitioner had absconded and therefore, the petitioner is clearly not entitled to bail. Having considered the matter and having heard the learned Public Prosecutor, I am of the view that the petitioner has not made out any case for grant of bail. This is clearly a case where the custodial trial is warranted. Therefore, this bail application will stand dismissed. Registry shall communicate a copy

of this

order to the Court of First Additional Sessions Judge-1,

Thrissur. Sd/- GOPINATH P. JUDGE SSK/11/09 APPENDIX OF BAIL APPL. 6938/2023 PETITIONER ANNEXURES Annexure 1 A FREE COPY OF THE ORDER DATED 25.07.2023 PASSED BY THE 1ST ADDITIONAL SESSIONS JUDGE, THRISSUR IN CRL.M.P.3128/2023 RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A. TO JUDGE

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