

Abhijith.B. vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./7929/2023

Appellant : Abhijith.B.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA,
1945 BAIL APPL. NO. 7929 OF 2023 CRIME NO.1927 OF 2023 OF
PALARIVATTOM POLICE STATION, ERNNAKULAM
PETITIONER/ACCUSED: ABHIJITH.B., AGED 21 YEARS S/O BIJU,
KRISHNA BHAVANAM, MATTOM SOUTH, THATTARAMBALAM.P.O.,
MAVELIKKARA, ALAPPUZHA, PIN - 690103 BY ADVS.
A.RAJASIMHAN VYKHARI.K.U SHARAFUDHEEN M.K.

RESPONDENT/S]COMPLAINANT & STATE : STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN -
682031 SR.PP- SMT.T.V.NEEMA THIS BAIL APPLICATION HAVING COME UP

FOR ADMISSION ON 30.09.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: MOHAMMED NIAS C.P.J
..... Dated this the 30th
day of September, 2023

ORDER

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

2. The petitioner is the accused in Crime No. 1927/2023 of

Palarivattom Police Station, Ernakulam District, for having allegedly committed an offence punishable under Section 306(I)(c) MA of Police Standing Order and later incorporated the offence under Section 304 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner

committed drunken driving in a Maruti Swift Car bearing No.KL 31 R 2149 hit a cycle rider aged 60 years at 10.15 p.m. on 22.8.2023 in the U- turn in front of Metro Station, Stadium Junction and caused his death, and thereby committed the above offence.

4. The learned counsel appearing for the petitioner would say that the

petitioner is innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 23/08/2023, and continued custody of the petitioner is unnecessary.

5. The learned Public Prosecutor opposed the petition.

6. After having considered the submissions of the learned counsel for

the petitioner and the learned Public Prosecutor, the accusations against the petitioner, taking into account the fact that the accident occurred when the petitioner took a U-turn and that one more vehicle was involved in this case, and the fact that he has been in custody since 23/08/2023, that there is no

apprehension raised by the prosecution that if released on bail, the petitioner is likely to abscond I hold that bail can be granted to the petitioner. Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

1. The petitioner shall be released on bail on executing a bond for Rs.50000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;
2. He shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m. for three months or as and when directed to appear.
3. He shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence or do anything that might adversely affect the trial;
4. He shall not commit any offence while on bail;
5. He shall not leave the State of Kerala without the permission of the Court having jurisdiction;
6. He shall not leave India without the permission of the jurisdictional Court and, if he has a passport, shall deposit the same before the Trial Court within a week. If the release of the passports is required at a later period, the petitioner shall be at liberty to move an appropriate application for the same before the Court having jurisdiction.

7. In case of violation of any of the above conditions, the

jurisdictional Court shall be empowered to consider the application for cancellation of bail and pass appropriate orders in accordance with law. Sd/-MOHAMMED NIAS C.P. JUDGE

dlk 30.9.2023 APPENDIX OF BAIL APPL. 7929/2023 PETITIONER'S ANNEXURES Annexure A1 TRUE COPY OF THE FIR NO. 1927 OF 2023 OF PALARIVATTOM POLICE STATION Annexure A2 PHOTOGRAPHS OF THE VEHICLE BEARING NO. KL 43 M 3930. Annexure A3 TRUE COPY OF THE

ORDER IN CRLMP NO. 4143 OF 2023 25-8-2023 OF JUDICIAL FIRST CLASS
MAGISTRATE COURT-IX, ERNAKULAM

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