

Sabin vs State of Kerala

Sabin vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1389370

Court : Kerala

Decided On : Sep-26-2023

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

Appeal No. : Bail Appl./8020/2023

Appellant : SABIN

Respondent : State of Kerala

Judgement :

..1..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
TUESDAY, THE 26TH DAY OF SEPTEMBER 2023 / 4TH ASWINA,
1945 BAIL APPL. NO. 8020 OF 2023 CRIME NO. 1223/2023 OF
KODUNGALLUR POLICE STATION, THRISSUR
PETITIONER/ACCUSED NO.1:

SABIN, AGED 36 YEARS, S/O. ABDUL SAMAD, OLAKOTTU HOUSE,
CHAKKARAPADAM, PERINJANAM, KODUNGALLUR, PIN - 680664.
BY ADV.SRI.VISHNUPRASAD NAIR RESPONDENT/STATE: STATE

OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031. SRI.P.G.MANU(MAMMALASSERY), SR.P.P. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

MOHAMMED NIAS C. P. , J.

===== B. A. No. 8020 of 2023
===== Dated this the 26th day of
September, 2023

ORDER

This application is filed under Section 439 of the Code of Criminal Procedure seeking regular bail. The petitioner is the first accused in Crime No. 1223/2023 of Kodungallur Police Station, Thrissur district, for having committed offences punishable under Sections 143, 147, 148, 212, 341, 342, 323, 324, 308, 294(b) & 427 r/w 34 of the Indian Penal Code.

2. The prosecution case is that on 6.8.2023, at 5.30 P.M., accused

Nos.1 to 8 formed themselves an unlawful assembly armed with dangerous weapons, like wooden rod and physically assaulted the defacto complainant and his friends after waylaying their car at Thriprayar Town and thereafter, again chased the case in which the defacto complainant and his friends were travelling and blocked it at about 6.15 P.M. Near Kodungallur Chandapura signal and inflicted voluntary hurt upon them, by poking with a wooden rod fisting and smashing the glass window panes with boulders. Hence, the accused is alleged to have committed the

..3.. offences mentioned above.

3. The learned counsel appearing for the petitioner would submit

that the petitioner is totally innocent and has been falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 10.8.2023, and the continued custody of the petitioner is unnecessary.

4. The learned Public Prosecutor opposed the petition and points out that the petitioner is not entitled to bail.

5. The learned counsel for the petitioner submits that the

4th accused was granted regular bail by this Court as per Anx-5 order

dated 4.9.2023 in B.A.No.7631/2023.

6. After having considered the submissions of the learned counsel

for the petitioner and the learned Public Prosecutor and considering the nature of the offences committed by the petitioner and the fact that the petitioner has been in custody from 10.8.2023 and also, since 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. It is also to be noted that the 4th accused has already been granted regular bail by this Court as per Anx-5 order dated 4.9.2023 in

..4.. B.A.No.7631/2023. Accordingly, this application is allowed, and the petitioner is granted bail, subject to the following conditions:- i. The petitioner shall be released on bail on 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 jurisdictional court; ii. The petitioner shall report before the Investigating Officer as and when required to do so; iii. The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses. iv. The petitioner shall not be involved in any other crime while on bail.

If any of the conditions are violated, the jurisdictional court concerned shall be empowered to take steps for cancellation of bail as per law. Sd/- MOHAMMED NIAS C. P. , JUDGE MMG ..5.. APPENDIX OF BAIL APPL.NO.8020/2023 PETITIONER'S ANNEXURES: ANNEXURE 1 A TRUE COPY OF THE FIR IN CRIME NO. 1223 OF 2023 OF KODUNGALLOOR POLICE STATION ANNEXURE 2 TRUE COPY OF THE ORDER DATED 16/8/2023 IN CRL.M.P. NO. 5480/2023 ANNEXURE 3 TRUE COPY OF THE ORDER DATED 24/8/2023 IN CRL.M.P. NO. 5667/2023 ANNEXURE 4 TRUE COPY OF THE ORDER DATED 8/9/2023 IN CRL.M.P. NO. 5970/2023 ANNEXURE 5 A TRUE COPY OF THE ORDER DATED COURT IN B.A. NO. 7631/2023

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