

Anil Kumar, vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./8118/2023

Appellant : Anil Kumar,

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA, BAIL APPL. NO. 8118 OF 2023 PETITIONER/ACCUSED: ANIL KUMAR, AGED 45 YEARS S/O VIJAYAN, POKKALAM PARAMBIL, PANAVALLY, CHERTHALA, ALAPPUZHA, PIN - 670 646. BY ADVS. RENJITH B.MARAR LAKSHMI.N.KAIMAL ARUN POOMULLI PREETHA S CHANDRAN ANAND REMESH ABHIRAM.S. ABHIJITH SREEKUMAR RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. BY ADV NOUSHADK.A-SENIOR PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.09.2023,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

ORDER

Dated this the 30th day of September, 2023 This is an application for regular bail.

2. The petitioner is the accused in Crime

No.492/2023 of Poochakal Police Station, Alappuzha District, alleging commission of offences under Sections 452, 324 and 307 of the Indian Penal Code. The allegation against the petitioner is that the petitioner and the victim are husband and wife and they have strained relationship. On 02.07.2023 about 8 p.m., the petitioner trespassed into the house where the victim was residing with her parents and brutally attacked her using a knife, causing serious injuries to the victim. It is alleged that the petitioner had committed the above offence with the intention of killing the victim.

3. The learned counsel appearing for the petitioner

would submit that the petitioner is absolutely innocent in the matter. It is submitted that there are matrimonial disputes between the petitioner and the victim. It is submitted that the minor children of the petitioner and the victim are residing :3:

with the petitioner. It is submitted that the petitioner has been arrested on 03.07.2023 and has completed 87 days in custody. It is submitted that following the investigation a final report has already been filed in the matter and the matter is now pending as C.P No.52/2023 on the file of the Judicial First Class Magistrate Court-II, Cherthala.

4. The learned Public Prosecutor vehemently opposes

the grant of bail. It is submitted that the victim suffered grievous injuries owing to the attack by the petitioner. It is submitted that there was no immediate provocation for the petitioner to attack the victim as she was residing with her parents. It is submitted that the attack was preplanned and was done with the intention of killing the victim. It is submitted that the victim was initially treated at

the Medical Trust Hospital, Ernakulam and the discharge summary issued

by the Medical Trust Hospital, Ernakulam would indicate that the victim had suffered very serious injuries owing to the attack by the petitioner. It is submitted that if the petitioner is granted bail there is every chance of the offences being repeated. However, it is confirmed that no criminal antecedents are reported against the petitioner. :4:

5. Having heard the learned counsel for the

petitioner and the learned Public Prosecutor, I am of the view that the petitioner can be granted bail. No criminal antecedents are reported against the petitioner. Investigation has been completed and the final report has already been filed in the matter. The petitioner has been custody for merely 87 days. Further detention of the petitioner is therefore not necessary expect, for the purpose of ensuring that the petitioner does not intimidate the victim in any manner.

In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:- i) The petitioner shall execute a bond for a sum of 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 in Crime No.492/2023 of Poochakal Police Station at 11 a.m on every Saturday until further orders; :5:

(iii) The petitioner shall not attempt to influence or intimidate the victim or any witness in Crime No.492/2023 of Poochakal Police Station;

(iv) The petitioner shall not enter the local limits of Poochakal Police Station except for the purpose of complying with condition No.(ii) above;

(v) The petitioner shall not involve in any other crime while

on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.492/2023 of Poochakkal Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMR :6:
APPENDIX OF BAIL APPL. 8118/2023 PETITIONERS ANNEXURES Annexure

A1 A TRUE COPY OF THE FIR IN CRIME NO.492/2023 OF THE POOCHAKAL POLICE STATION DATED 03.07.2023. Annexure A2 A TRUE COPY OF THE FIS IN CRIME NO.492/2023 OF THE POOCHAKAL POLICE STATION DATED 03.07.2023. Annexure A3 A TRUE COPY OF THE ORDER IN CRL. M.P THE LEARNED SESSIONS COURT, ALAPPUZHA

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