

Sameer 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./8259/2023

Appellant : Sameer

Respondent : State of Kerala

Judgement :

..1..

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. 8259 OF 2023 CRIME NO. 875/2023 OF
KILIKOLLOOR POLICE STATION, KOLLAM PETITIONER/ACCUSED
NO.1: SAMEER, AGED 37 YEARS, S/O MANIAN, THYVELI
THEKKATHIL, VADAKKEVILA PO, VADAKKEVILA VILLAGE, KOLLAM,
NOW RESIDING AT ANAYYA MANZIL, TKMC PO, KOLLAM, PIN -
691004. BY ADV. SRI.M.RAJESH RESPONDENTS/COMPLAINANTS: 1
STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH

COURT OF KERALA, ERNAKULAM, PIN - 682031. 2 SUB INSPECTOR OF POLICE, KILIKOLLOOR POLICE STATION, KILIKOLLOOR PO, KOLLAM - 691004 SMT.T.V.NEEMA, SR.P.P. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

MOHAMMED NIAS C. P. , J.

===== B. A. No. 8259 of 2023
===== Dated this the 30th 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.875/2023 of Kilikolloor Police Station, Kollam, for having committed offences punishable under Sections 341, 294(b), 323, 324, 326 & 307 r/w 34 of the IPC.

2. The prosecution case is that, on 27.6.2023 at 21.00 hours, while

the de facto complainant was chatting with his relatives by sitting on a culvert near his house, the accused hurled abuses and threatened them and attacked them with an iron rod and bamboo stick, and thereby the accused is alleged to have committed the 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 ..3.. from 30.6.2023, 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. 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 taking into account the fact that the petitioner is in custody from 30.6.2023 and that out of 4 antecedents reported against the petitioner, he is acquitted in 3 of them 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. 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.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;

2. The petitioner shall report before the Investigating Officer as and when directed.
..4..

3. The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.

4. The petitioner shall not be involved in any other crime while on bail.

5. The petitioner shall surrender his Passport before the jurisdictional

court. If the petitioner does not have a Passport, he shall execute an affidavit to that effect and file the same before the said court within seven days from the date of his release on bail.

6. The petitioner shall furnish his present address along with his

mobile phone number to the court concerned as well as to the Investigating Officer. If any of the above 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.8259/2023 PETITIONER'S ANNEXURES: ANNEXURE I THE TRUE
COPY OF THE REMAND APPLICATION IN RESPECT OF THE PETITIONER IN
CRIME NO. 875/2023 OF KILIKOLLOOR POLICE ANNEXURE II THE

CERTIFIED COPY OF THE ORDERS OF THE HON'BLE SESSIONS COURT,
KOLLAM IN CRL MC NO. 1917/2023 DATED 12.09.2023

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