

Santhosh vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./8979/2023

Appellant : Santhosh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, 1945 BAIL APPL. NO. 8979 OF 2023 CRIME
NO.1058/2023 OF Pathanapuram Police Station, Kollam CRMC
2036/2023 OF DISTRICT COURT & SESSIONS COURT, KOLLAM
PETITIONER/S: SANTHOSH AGED 45 YEARS S/O.GOVINDAN,
POOVANNUMVILA VEEDU, EDATHARA, PATHIRIKKAL MURI,
PATHANAPURAM VILLAGE -689695 NOW RESIDING AT SAJEENA'S
HOUSE, ANAKUZHY, MANKODU, KOLLAM DISTRICT, PIN - 691311
BY ADVS. K.SIJU ANJANA KANNATH RESPONDENT/S: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT

OF KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE
OFFICER PATHANAPURAM POLICE STATION, KOLLAM -, PIN -
689695 OTHER PRESENT: SRI NOUSHAD K.A. (SR PP) THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 30.11.2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for regular bail.

2. Petitioner is the accused in Crime No.1058 of 2023 of Pathanapuram Police Station, Kollam, alleging commission of offences under Sections 326A, 307 and 447 of the Indian Penal Code.

3. The allegation against the petitioner is that,

the petitioner, who is the husband of the defacto complainant, had attacked her on 05.08.2023 at about 4.30 p.m. by pouring acid over her face and body causing grievous injuries. It is also alleged that the petitioner stabbed one Madhu, who is a neighbour who had rushed to save the defacto complainant and thereby, the petitioner committed the offences alleged against him.

4. The learned counsel appearing for the

petitioner would submit that the petitioner is absolutely innocent in the matter. It is submitted that, the petitioner is a rubber tapper. It is submitted that, when the petitioner was proceeding to the rubber roller machine room for processing

latex, the petitioner found his wife, the defacto complainant in a compromising position with the aforesaid Madhu and when the petitioner questioned the above, the petitioner was actually attacked by the aforesaid Madhu. It is stated that the petitioner was not carrying acid for the purposes of hurting the defacto complainant. It is submitted that the petitioner was carrying acid, which was used in processing of latex and there is no case of the prosecution that the petitioner had kept the acid with him for the purposes of causing hurt to the defacto complainant.

5. The learned Public Prosecutor opposes the

grant of bail. It is submitted that the defacto complainant suffered serious injuries owing to the attack by the petitioner. It is submitted that, according to the defacto complainant, the petitioner had attacked her by throwing acid on her face and over her body and when the aforesaid Madhu had come to save her, the petitioner had stabbed the aforesaid Madhu by

using a tapping knife. It is submitted that, in such circumstances, the petitioner is not entitled to bail.

6. 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 subject to conditions. The petitioner has been in custody from 06.08.2023 and has,

therefore, been in custody for nearly 115 days. The investigation has been completed and final report has already been filed. Though the learned counsel appearing for the petitioner had stated that the petitioner may have been entitled to statutory bail, since I am inclined to grant bail to the petitioner, it is not necessary for this Court to consider that question. The allegations against the petitioner are as noticed above. The continued detention of the petitioner is, therefore, not necessary, as investigation has been completed and final report has been filed.

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.1058 of 2023 of Pathanapuram Police Station, Kollam as and when summoned to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the defacto complainant or any witness in Crime No.1058 of 2023 of

Pathanapuram Police Station, Kollam;

(iv) The petitioner shall not enter the local limits of Pathanapuram Police Station till 31.01.2024.

(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.1058 of 2023 of Pathanapuram Police Station, Kollam shall file an application before the jurisdictional Court for cancellation of bail.

Sd/- GOPINATH P., JUDGE rkj APPENDIX OF BAIL APPL. 8979/2023 PETITIONER ANNEXURES Annexure A1 THE CERTIFIED COPY OF ORDER IN CRL.M.C NO.1840/2023 DATED 5.09.2023 ON THE FILE OF SESSIONS COURT, KOLLAM Annexure A2 THE CERTIFIED COPY OF ORDER IN CRL.M.C NO.2036/2023 DATED 27.9.2023 ON THE FILE OF SESSIONS COURT, KOLLAM Annexure A3 THE CERTIFIED COPY OF BAIL APPLICATION

VIDE CMP NO.1737/2023 SUBMITTED BY THE PETITIONER ON 4.11.2023 BEFORE THE JFMC, PATHANAPURAM IN CRIME NO.1058/2023

Annexure A4 THE CERTIFIED COPY OF REPORT DATED 6.11.2023 FILED BY THE INSPECTOR OF POLICE, PATHANAPURAM Annexure A5 THE CERTIFIED COPY OF BAIL APPLICATION VIDE CMP NO.1750/2023 IN CRIME NO.1058/2023 DATED 7.11.2023 Annexure A6 THE CERTIFIED COPY OF ORDER DATED 7.11.2023 IN CMP NO.1750/2023 IN CRIME NO.1058/2023 ON THE FILE OF JFMC, Annexure A7 THE CERTIFIED COPY OF BAIL APPLICATION DATED 9.11.2023 VIDE CMP NO.1759/2023 FILED BY THE PETITIONER BEFORE THE JFMC, Annexure A8 THE CERTIFIED COPY OF ORDER DATED 10.11.2023 IN CMP NO.1759/2023 IN CRIME NO.1058/2023 ON THE FILE OF JFMC, Annexure A9 THE CERTIFIED COPY OF FINAL REPORT IN CRIME NO.1058/2023 OF PATHANAPURAM POLICE STATION

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