

Jayakumar, vs State of Kerala,

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Court : Kerala

Decided On : Nov-30-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./10222/2023

Appellant : Jayakumar,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
THURSDAY, THE 30TH DAY OF NOVEMBER 2023 / 9TH
AGRAHAYANA, 1945 BAIL APPL. NO. 10222 OF 2023 CRIME
NO.1681/2023 OF PUTHOOR POLICE STATION, KOLLAM AGAINST
THE ORDER IN CMP 3455/2023 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -II,KOTTARAKKARA PETITIONER/ACCUSED:
JAYAKUMAR, AGED 54 YEARS, S/O SARIJINI AMMA,
NEELAKILETHU VEEDU, MUTTATTHUKONAM, CHENNEERKARA
P.O., CHENEERKKARA VILLAGE, PATHANAMTHITTA DISTRICT, PIN
- 689647 BY ADVS. K.N.ABHILASH SUNIL NAIR PALAKKAT RITHIK
S.ANAND RESPONDENTS/STATE: 1 STATE OF KERALA,

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE OFFICER, PUTHUR POLICE STATION, KOLLAM DISTRICT, PIN - 691507 BY M.C.ASHI-PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 30th day of November, 2023 This application is filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The applicant is the sole accused in Crime No.1681/2023 of Puthoor Police Station. The offences alleged are punishable under Sections 279, 337, 338 and 304 of the Indian Penal Code.

3. The prosecution case, in short, is that on 25.10.2023 at

about 7.00 a.m, the applicant drove the car bearing registration No.KL-03-AE-1369 through Kottarakkara-Adoor road at over speed without obeying the traffic restrictions, overtook the car bearing registration No.KL-05-AW-9446, hit one Ansu Treesa Antony, aged 25 years, while she was crossing the zebra line, causing serious injuries, who later succumbed to the injuries and thereby committed the offences.

4. I have heard Sri.Abhilash K.N, the learned counsel for the applicant and Sri.M.C. Ashi, the learned Public Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that

the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. On the other hand, the learned Public Prosecutor submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and he is not entitled to bail at this stage.

6. The applicant was remanded to judicial custody on

03.11.2023. The investigation of the case is almost over and there are no criminal antecedents against the applicant. Even according to the prosecution, the accident happened when the deceased crossed the road. Considering these circumstances, I do not find any reason to hold that the continued detention of the applicant is required for any purpose. Hence, the applicant is entitled to be released on bail.

In the result, the application is allowed on the following conditions: -

(i) The applicant shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(ii) The applicant shall fully co-operate with the investigation.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m and 11.00 a.m. on every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

(v) The applicant shall not attempt to contact any of the

prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of the bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

Sd/- DR. KAUSER EDAPPAGATH JUDGE mtk APPENDIX OF BAIL APPL. 10222/2023 PETITIONER ANNEXURES Annexure-A1 THE TRUE COPY OF THE F.I.R NO. 1681/2023 ON THE FILES OF PUTHOOR POLICE STATION, KOLLAM DISTRICT Annexure -A2 CERTIFIED COPY OF THE ORDER IN FILED C.M.P. NO. 3455/2023 IN CRIME NO. 1681 ON THE FILES PUTHOOR POLICE STATION, BEFORE THE JUDICIAL MAGISTRATE OF THE FIRST CLASS- II KOTTARAKKARA DATED 08-11-2023

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