

Arjun @Arjun Anumon vs State of Kerala

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Court : Kerala

Decided On : Dec-01-2023

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./10514/2023

Appellant : Arjun @Arjun Anumon

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 1ST DAY OF DECEMBER 2023 / 10TH AGRAHAYANA,
1945 BAIL APPL. NO. 10514 OF 2023 CRIME NO.935/2023 OF
Munambom Police Station, Ernakulam PETITIONER/ACCUSED: ARJUN
@ARJUN ANUMON AGED 22 YEARS S/O ANUMON, VALLAVELIL
HOUSE, THATTAMPADY KARA, KARUMALLORE VILLAGE
ERNAKULAM DISTRICT, PIN - 683520 BY ADVS. SANTHOSH KUMAR
V.P. SAJEEVAN KURUKKUTTIYULLATHIL VISHNU PRABHAKAR V.S.
AKSHAY SHYLESH ADWAITHA UDAYAN
RESPONDENT/COMPLAINANT: STATE OF KERALA THE
MUNNAMBAM POLICE STATION ERNAKULAM REPRESENTED BY

THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 OTHER PRESENT: SMT.NIMA JACOB, PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This application is filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The applicant is the accused No.5 in Crime No.935/2023 of Munambam Police Station, Ernakulam. The offences alleged are punishable under Sections 323, 324, 308, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that, on 29.10.2023 at

5.00 p.m., the applicant along with the remaining accused with common intention assaulted the defacto complainant and his friend with deadly weapons with intention to kill them, and thereby committed the offences.

4. I have heard Sri.Santhosh Kumar V.P., the learned counsel for the applicant and Smt.Nima Jacob, 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

02.11.2023. No serious overt act has been alleged against the applicant. The applicant has not even been named in the FIR. The investigation is almost over and recovery has been effected. The applicant has no criminal antecedents. For

all these reasons, 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 rkj

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