SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Surendran vs State of Kerala

Surendran vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1410887

Court : Kerala

Decided On : Jun-02-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./10468/2022

Appellant : Surendran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM FRIDAY, THE 2ND DAY OF JUNE 2023 / 12TH JYAISHTA, 1945 BAIL APPL. NO. 10468 OF 2022 Crime No.617 of 2022 of Peechi Police Station, Thrissur AGAINST THE ORDER/JUDGMENT in Bail Appl. 8602/2022 OF HIGH COURT OF KERALA

PETITIONER: SURENDRAN AGED 62 YEARS S/O KUNJUNNI, PULLIKAL HOUSE, RESIDING AT THOTTIPAL MADAPPURAM VIA, THOTTIPPAL VILLAGE, THRISSUR DISTRICT, PIN - 680310 BY ADVS. RAPHAEL THEKKAN CHRISTINE MATHEW RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC

PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: SR.PP - S.SAJJU THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.10468 of 2022 :2:

VIJU ABRAHAM, J.

-- -- -- -- -- -- -- -- -- -- -- -- -- B.A. No.10468 of 2022 -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- Dated this the 2nd day of June, 2023

ORDER

Application for regular bail.

2. The petitioner is the sole accused in Crime No.617 of 2022 of Peechi Police Station, Thrissur, registered alleging offences punishable under Sections 302, 326 and 506(ii) of the Indian Penal Code.

3. The Prosecution case is that, due to enmity towards the

defacto complainant, on 13.09.2022 at 12.30 hours at Ninukuzhy, the accused criminally intimidated that and he poured petrol over the defacto complainant which was kept in a bucket and he had burned him with a lighter and the defacto complainant suffered grievous injuries and he had succumbed to death on 21.09.2022 due to the same. Thereby the petitioner has committed the aforesaid offences.

4. Petitioner submits that he is in custody from 14.09.2022 onwards and that the investigation is practically over and hence his continued detention is not required for the purpose of investigation. It is also submitted that the petitioner has no other B.A. No.10468 of 2022 :3:

criminal antecedents and that he is aged 63 years. Though he moved an application for bail before the jurisdictional court, the same was rejected by Annexure-2 order and the earlier bail application filed before this Court as B.A.

No.8602/2022 was also rejected as per Annexure-3 order. Petitioner submits that he was also attacked by the defacto complainant and sustained injuries in the said attack. The petitioner also relies on the judgment of this Court in Aneeshkutty v. State of Kerala and Ors. in B. A. No.2722/2022 [MANU/KE/1282/2022] in support of his contentions.

5. The learned Public Prosecutor opposed the application for

bail mainly contending that there is sufficient evidence to prove the involvement of the petitioner in the alleged crime. It is further submitted that the petitioner has no other criminal antecedents. A report has been called for from the Trial Court concerned regarding the present stage of the case, wherein it is stated that the Forensic examination report has not been received in the Court

till date, in spite of repeated reminders. The learned Public Prosecutor upon instructions submitted that the DNA profiling report has already been submitted before the Trial Court, but they are still awaiting the report from the Forensic Science Laboratory B.A. No.10468 of 2022 :4: regarding chemical analysis and cyber analysis and that as soon as on receipt of the same, it will be produced before the jurisdictional court.

6. It is a fact that the petitioner is in custody from 14.09.2022

and the Trial Court has intimated that only on receipt of the report from the Forensic Science Laboratory, the trial of the case could be further proceeded. Having regard to the facts and circumstances of the case, considering the nature of the allegations and considering the fact that the petitioner has no other criminal antecedents and he is in custody from 14.09.2022 onwards and that he is aged 63 years, though I have rejected the application for bail submitted on an earlier occasion as per Annexure-3, I am inclined to take a different view and grant bail to the petitioner subject to stringent

conditions. In the result, the 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.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court and one of the sureties shall be a close relative of the petitioner; B.A. No.10468 of 2022 :5:

(ii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the defacto complainant or any witness in Crime No.617 of 2022 of Peechi Police Station, Thrissur;

(iii) The petitioner shall not enter the local limits of the Peechi police station except for the purpose of attending any court proceedings;

(iv) The petitioner shall not leave the State without obtaining prior permission from the jurisdictional court;

(v) The petitioner shall appear before the trial court on all posting dates without fail, except specifically exempted by the court;

(vi) 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 of release on bail;

(vii) 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.617 of 2022 of Peechi Police B.A. No.10468 of 2022 :6: Station, Thrissur may file an application before the jurisdictional court, for cancellation of bail. Sd/- VIJU ABRAHAM JUDGE sm/

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com