

Lajitha vs State of Kerala

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Court : Kerala

Decided On : Jan-09-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./10552/2022

Appellant : Lajitha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 9TH DAY OF JANUARY 2023 / 19TH POUSHA, 1944 BAIL APPL. NO. 10552 OF 2022 CRIME NO.2496/2022 OF THRISSUR TOWN EAST POLICE STATION, THRISSUR PETITIONER/ACCUSED: LAJITHA AGED 42 YEARS W/O. SUNIL KUMAR, THALIKULANAGARA KALARIKKAL HOUSE, NEAR THALIKULAM OLD SNV UPSCHOOL, THALIKULAM, PIN - 680569 (NOW RESIDING AT FLAT NO.4B, ARICARIA JYOTHI NEST, PUKUNNAM, THRISSUR)

BY ADV E.VIJIN KARTHIK RESPONDENT/STATE: STATE OF KERALA REPRESENTED PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHIN,

PIN - 682031 BY ADV SRI.NOUSHAD.K.A PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.10552 of 2022 2

BECHU KURIAN THOMAS, J.

B.A.No.10552 of 2022 Dated this the 9th day of January, 2023

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.2496/2022 of Thrissur Town East Police Station, Thrissur, alleging offences punishable under Sections 328 and 379 of the Indian Penal Code 1860.

3. According to the prosecution, on 02.12.2022, the accused had after administering a drug to the defacto complainant, stole her gold chain weighing 1 sovereigns and thereby committed the offences alleged.

4. Sri.E.Vijin Karthik, the learned counsel for the petitioner contended that the entire prosecution allegations are false and the incident as alleged had not occurred.

5. Sri.Noushad.K.A, the learned Public Prosecutor, opposed the

grant of bail and contended that the allegations are serious, and that if the petitioner is released on bail, there is every chance that she may influence the witnesses.

6. I have considered the rival contentions.

7. A perusal of the case diary reveals that prima facie there are

materials on record to connect the petitioner with the crime. However, B.A.No.10552 of 2022 3 since petitioner was remanded to judicial custody on 05.12.2022, I am of the view that the continued detention of the petitioner is not required in the circumstances of the case. Therefore, the petitioner is entitled to be released on bail. In the result, this application is allowed on the following conditions:-

a) Petitioner shall be released on bail on her 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 court having jurisdiction. b) Petitioner shall appear before the Investigating Officer as and when required. c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall she tamper with the evidence.

d) Petitioner shall not commit any similar offences while she is on bail. e) Petitioner shall not leave India without the permission of the Court having jurisdiction. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. BECHU KURIAN THOMAS JUDGE
jka/09.01.23

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