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

**Sumesh vs State of Kerala**

**Sumesh vs State of Kerala**

**SooperKanoon Citation** : sooperkanoon.com/1411906

**Court** : Kerala

**Decided On :** Jan-04-2023

**Judge** : Honourable Mr.Justice Viju Abraham

**Appeal No.** : Bail Appl./10600/2022

**Appellant** : Sumesh

**Respondent** : State of Kerala

**Judgement** :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM WEDNESDAY, THE 4TH DAY OF JANUARY 2023 / 14TH POUSHA, 1944 BAIL APPL. NO. 10600 OF 2022 AGAINST THE ORDER/JUDGMENTCRMC 1631/2022 OF DISTRICT COURT & SESSIONS COURT,THRISSUR CRIME NO.957/2022 OF CHAVAKKAD POLICESTATION, THRISSUR PETITIONERS/ACCUSED NOS.1 TO 4, 6 & 7:

1 SUMESH,AGED 24, S/O.SUNDARAN, KOONAMPURATH HOUSE, POST ORUMANAYOOR, CHAVAKKAD, THRISSUR DISTRICT 2 MIDHUNDAS,AGED 24,S/O.THULASIDAS, MEPPURATH HOUSE POST ORUMANAYOOR, CHAVAKKAD, 3 SARATH,AGED 26,

S/O.SASI, MEPPURATH HOUSE POST ORUMANAYOOR, CHAVAKKAD, 4 PRAGALB,AGED 23, S/O.PREMAN, MANGANTHARA HOUSE, POST ORUMANAYOOR, CHAVAKKAD, 5 AJITH,AGED 24, S/O.SUNDARAN PERINGADAN HOUSE, THEKKENCHERY, POST CHAVAKKAD, THRISSUR DISTRICT,, PIN - 680506 6 FAYAS,AGED 24, S/O.NOUFAL, AMBALATHVEETIL HOUSE, OTTTATHENGU, POST ORUMANAYOOR, CHAVAKKAD, THRISSUR DISTRICT, PIN - 680512 BY ADVS. T.K.ASOKAN RASMI NAIR T. K.R.DALLY

RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031 BA No.10600 of 2022 2 2 THE SUB INSPECTOR OF POLICE CHAVAKKAD, CHAVAKKAD POLICE STATION,THRISSUR DISTRICT-680506 OTHER PRESENT: PP - NIMA JACOB THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA No.10600 of 2022 3

**VIJU ABRAHAM, J.**

..... B.A. No.10600 of 2022 ..... Dated this the 4th day of January, 2023

## ORDER

This is an application for regular bail.

2. Petitioners are accused Nos.1 to 4, 6 and 7 in Crime

No.957 of 2022 of Chavakkad Police Station, Thrissur registered alleging commission of offences punishable under Sections 143, 147, 148, 341, 324 and 308 read with Section 149 of the Indian Penal Code.

3. The prosecution allegation is that on 01.12.2022 at 12.25

hours altogether 10 accused persons assembled unlawfully and attacked the defacto complainant with chopper and iron rod due to the prior animosity of not

returned the bike owned by the first accused handed over to the defacto complainant before one year. The first accused hacked the defacto complainant by chopper on his neck and it was evaded and it hit on the back of the head and another accused hit with iron rod and sustained injuries to his head. The accused acted in furtherance of their common intention to attempt to commit culpable homicide. Thus the accused persons are alleged to have committed the aforesaid offences.

BA No.10600 of 2022 4

4. Petitioners submit that they are in custody from 03.12.2022

onwards. Petitioners further submit that they are coolie workers and have no serious criminal antecedents and that the defacto complainant has not sustained any serious injuries in the alleged attack.

5. Learned Public Prosecutor opposed the application for bail

mainly contending that the defacto complainant was attacked with a chopper and he sustained injuries in the attack and further that most of the petitioners have criminal antecedents. Considering the facts and circumstances of the case and taking into consideration the detention of the petitioners from 03.12.2022 onwards, I am inclined to grant bail to the petitioners, but taking note of the criminal antecedents of the petitioners, the same shall only be on stringent conditions.

(i) The petitioners shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(ii) They shall appear before the investigating officer in Crime No.957 of 2022 of Chavakkad Police Station, Thrissur on all Saturdays at 11.00 a.m. till the filing of charge sheet.

(iii) They shall not leave the State of Kerala without getting prior permission from the jurisdictional court.

(iv) They shall not attempt to interfere with the investigation BA No.10600 of 2022 5 or to influence any witness in the abovesaid crime.

(v) They shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the

investigating officer in Crime No.957 of 2022 of Chavakkad Police Station, Thrissur may file an application before the jurisdictional court, for cancellation of bail. Sd/- VIJU ABRAHAM JUDGE cks

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