

Arun, vs the State of Kerala,

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Court : Kerala

Decided On : Dec-26-2023

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./11270/2023

Appellant : ARUN,

Respondent : The State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR
TUESDAY, THE 26TH DAY OF DECEMBER 2023 / 5TH POUSHA,
1945 CRIME NO.1856/2016 OF Kodumon Police Station, Pathanamthitta
AGAINST THE ORDER/JUDGMENT SC 531/2018 OF ADDITIONAL
DISTRICT COURT & SESSIONS COURT - III, PATHANAMTHITTA / III
ADDITIONAL MACT PETITIONER(S)/ACCUSED NO.1 & 2:

1 ARUN AGED 26 YEARS S/O SHAJI, CHAITHRAM (H), ANGADIKKAL
NORTH, ANGADIKKAL NORTH MURI, ANGADIKKAL VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT, PIN - 691555 2 SUDHI
CHANDRAN AGED 26 YEARS S/O CHANDRAN, PEEDIKAMURUPPEL

VEEDU, ANGADIKKAL NORTH, ANGADIKKAL NORTH MURI,
ANGADIKKAL VILLAGE, ADOOR TALUK, PATHANAMTHITTA
DISTRICT, PIN - 691555 BY ADVS. MANU RAMACHANDRAN
M.KIRANLAL R.RAJESH (VARKALA) T.S.SARATH SAMEER M NAIR
SAILAKSHMI MENON JOTHISHA K.A. DELLA MARIAM THOMAS

RESPONDENT(S)/STATE & I.O: 1 THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER KODUMON
POLICE STATION, PATHANAMTHITTA DISTRICT, PIN - 691555 -2-
SMT. REKHA.S. SR.PP THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 26.12.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: -3-

ORDER

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

2. The petitioners are accused Nos. 1 and 2 in

Crime No.1856 of 2016 of Kodumon Police Station which is now pending as Sessions Case No.531 of 2018. The Offences alleged against them are punishable under Section 341, 294(b), 323, 324, 307 and 34 Indian Penal Code, 1860.

3. Sessions Case No.531 of 2018 is pending trial before the Additional Sessions Court-III, Pathanamthitta. Since the petitioners failed to appear before the Court,

warrants were issued for their arrest. While so, they appeared before the court on 04.12.2023. They were remanded to judicial custody on that day. The application for bail filed by them, as CRMP No.8544 of 2023 was -4-

dismissed by the learned Sessions Judge as per the order

dated 12.12.2023.

4. Learned counsel for the petitioners submits

that on account of communication gap between their counsel and the petitioners, they could not appear before the Court in time. During the intervening period onset of COVID-19 also prevented them from appearing before the Court for a considerable period. The learned Public Prosecutor opposes the petition.

5. Learned Sessions Judge dismissed the application for bail on account of the indifference and disregard of the petitioners to the proceedings before the

Court for a considerable period. The learned Sessions Judge is justified in refusing bail to the petitioners. However, having the matter been pending trial and no likelihood of concluding the trial within a reasonable period, it is only just and legal to grant bail to the -5- petitioners subject to the condition that they shall appear before the learned Sessions Judge on every posting date of the case.

6. Accordingly this petition is allowed.

Petitioners are granted bail on their executing bonds for Rs.2,00,000/- (Rupees Two lakh only) each with two solvent sureties for the like amount each, to the satisfaction of the court below and subject to the condition that they shall appear before the court below on every posting date of the case and shall co-operate with the trial. Failure to appear before the court below even on a single posting date will result in cancellation of their bail.

Sd/- P.G. AJITHKUMAR JUDGE vv -6- APPENDIX OF BAIL APPL. 11270/2023
PETITIONER ANNEXURES Annexure A1(a) THE TRUE COPY OF THE DAILY
ORDERS OF 13.03.2023 Annexure A1(b) THE TRUE COPY OF THE DAILY
ORDERS OF 03.11.2023 Annexure A1(c) THE TRUE COPY OF THE DAILY
ORDERS OF 04.12.2023 Annexure A2 THE TRUE COPY OF THE ORDER
DATED CRL.M.P NO.8544/2023 IN S.C NO.531/2018 ON THE FILES OF ADDL.
SESSIONS COURT-III, PATHANAMTHITTA

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