

Haneef vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1440840

Court : Kerala

Decided On : Feb-11-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./127/2022

Appellant : Haneef

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 11TH DAY OF FEBRUARY 2022 / 22ND MAGHA, 1943 BAIL
APPL. NO. 127 OF 2022 CRIME NO.273/2021 OF ERNAKULAM
NORTH POLICE STATION, ERNAKULAM PETITIONER/ACCUESD
NO.2: HANEEF AGED 35 YEARS,S/OYOUSAF, MANOLI PARAMBU,
VATTEKUNNAM, MUTTAR, EDAPPALLY ERNAKULAM, PIN - 682024
BY ADV P.MAMATHA RESPONDENT/STATE/COMPLAINANT: STATE
OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH
COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADVS. PUBLIC
PROSECUTOR SHRI.P.NARAYANAN, ADDL.PUBLIC PROSECUTOR
DIRECTOR GENERAL OF PROSECUTION OTHER PRESENT: SRI.

SAJJU. S. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.127/2022 2

ORDER

This is an application for regular bail.

2. The petitioner is the 2nd accused in Crime No.273/2021 of Ernakulam North Police Station, which is now pending as S.C.No.1202/2021 before the Sessions Court, Ernakulam.

3. The allegation against the petitioner is that he along with other accused owing to previous enmity with the deceased attacked the deceased,

when he had gone out for the purpose of purchasing some medicine. It is alleged that the deceased was attacked with a wooden stick and by stamping him repeatedly on his chest and abdomen. Though the case was initially registered alleging commission of offences under Sections 307 and 324 of the Indian Penal Code, the charge was altered to one punishable under Section 302 of the Indian Penal Code owing to the fact that the injured succumbed to his injuries.

4. The learned counsel for the petitioner submits that the petitioner

has been in custody from 5.4.2021. It is submitted that the 1 st accused and the 3rd accused in the case, whose roles are no different from that ascribed to the petitioner herein, had already been released on bail in the months of May and June 2021 respectively. It is submitted that the continued detention of the petitioner is not necessary, as charge has already been laid. It is submitted that there is no chance of trial in the near future and that this is not a case where the custodial trial is required. It is also submitted that the petitioner has no criminal antecedents.

report filed in the matter and has shown circumstances of the case appearing against the petitioner and the other accused. It is submitted that the deceased was brutally attacked and that the injuries suffered by the deceased ultimately led to the death of the deceased. It is submitted that apart from the fact that accused Nos.1 and 3 have already been released on bail, there is no circumstance, which could be pointed out, to show that the petitioner is entitled to be released on bail.

7. I have considered the contentions raised.

8. Having regard to the fact that the role ascribed to the petitioner

herein is no different from the role ascribed to accused Nos.1 and 3, who have already been released on bail in the months of May and June 2021, I am of the opinion that it will be unjust to deny bail to the petitioner.

9. In the result this 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.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) The Petitioner shall report before the Investigating officer in Crime No. 273/2021 of Ernakulam North Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to influence or intimidate any witness B.A.No.127/2022 4 in Crime No. 273/2021 of Ernakulam North Police Station;

(iv) 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. 273/2021 of Ernakulam North Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE acd B.A.No.127/2022 5
APPENDIX OF BAIL APPL. 127/2022 PETITIONER ANNEXURES Annexure1
CERTIFIED COPY OF THE ORDER DATED 21.12.2022 IN CRL. M.C. NO. 2709
OF 2021 PASSED BY THE II ADDITIONAL DISTRICT SESSIONS JUDGE,
ERNAKULAM

