

Adithyan Binukumar vs State of Kerala

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Court : Kerala

Decided On : Feb-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./603/2022

Appellant : Adithyan Binukumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 14TH DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943
BAIL APPL. NO. 603 OF 2022 CRIME NO.2654/2021 OF Attingal Police
Station, Thiruvananthapuram AGAINST THE ORDER IN CRMC
3290/2021 OF II ADDITIONAL DISTRICT COURT,TRIVANDRUM
PETITIONER/ACCUSED NO.6: ADITHYAN BINUKUMAR AGED 19
YEARS S/O.BINUKUMAR, MRA-191, SOUPARNIKA LANE,
OTTUKALTHERUVU, KAITHAMUKKU P.O., THIRUVANANTHAPURAM
- 695 024. BY ADV M.R.SARIN RESPONDENT/STATE AND DE FACTO
COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2
THE INSPECTOR STATION HOUSE OFFICER ATTINGAL POLICE
STATION, THIRUVANANTHAPURAM - 695 101. SRI. M.C. ASHI, PP
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14.02.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: BAIL APPL. NO. 603 OF 2022 2

ORDER

This is an application for anticipatory bail.

2. Petitioner is the 6th accused in Crime No. 2654/2021 of

Attingal Police Station, alleging commission of offences under Sections 143, 147, 149, 341, 294(b), 323, 324, 332, 353, 354 and 506(ii) of the Indian Penal Code.

3. The petitioners are students of the Government College,

Attingal. On 23.12.2021 when Christmas celebrations were being held, there arose a dispute between students regarding hanging of Christmas decoration and this led a dispute between them, following which the aforesaid crime was registered.

4. Learned counsel for the petitioner would submit that petitioner is absolutely innocent in the matter and that he is aged

19. It is submitted that the crime came to be registered only on

account of a dispute between two groups of students and the petitioner is absolutely innocent in the matter. It is submitted that taking into account of the nature of the allegations, the custodial interrogation of the petitioner is not necessary.

5. Heard the learned Public Prosecutor also. BAIL APPL. NO. 603 OF 2022 3

6. Learned Public Prosecutor has taken me through the first

information report to show that the petitioner along with other accused in the case (totally nine in number) had created an issue in the college and had also obstructed a teacher and thereby he has committed the offences alleged against him.

7. Having regard to the facts and circumstances of the case and taking a lenient view especially on account of the fact that the petitioner is aged only 19 years and also considering the

fact that his custody may not be required for the purposes of proper investigation, I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions. In the result, this application is allowed. It is directed that the petitioner shall be released on anticipatory bail, in the event of their arrest in connection with Crime No. 2654/2021 of Attingal Police Station subject to the following conditions:-

(i) Petitioner shall execute bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall appear before the investigating officer in Crime No. 2654/2021 of Attingal Police Station at 11:00 A.M on BAIL APPL. NO. 603 OF 2022 4 22.02.2022 and thereafter whenever called upon to do so;

(iii) Petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No. 2654/2021 of Attingal Police Station;

(iv) 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. 2654/2021 of Attingal Police Station may file an application before the jurisdictional Court for cancellation of bail. sd/- GOPINATH P. JUDGE ajt

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