

Subash vs the State of Kerala

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Court : Kerala

Decided On : Feb-02-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./617/2022

Appellant : Subash

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 2ND DAY OF FEBRUARY 2022 / 13TH MAGHA,
1943 BAIL APPL. NO. 617 OF 2022 Crime No.493/2021 of Munnar
Police Station PETITIONER/ACCUSED No.3: SUBASH AGED 33
YEARS S/O.UDAYASOORYAN, RESIDING 5TH HOUSE IN 10TH MURI
IAYAM, KANNIMALA ESTATE, TOP DIVISION, MUNNAR VILLAGE,
IDDUKKI DISTRICT - 685 612. BY ADVS. N.K.SHYJU GIREESH
PANKAJAKSHAN ARCHANA MITHRAN O.K.
RESPONDENT/COMPLAINANT: THE STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682 031. OTHER PRESENT: SRI. T.R.

RENJITH (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.617/2022 -2-

ORDER

The petitioner is the 3rd accused in Crime No.493/2021 of Munnar Police Station, Idukki District alleging commission of offences under Sections 307, 323, 324, 341, 506 (i) read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioner is that the petitioner together with the other accused attacked certain employees of Lekshmi Estate and caused injuries to them and thereby they committed the offences alleged against them.

3. The learned counsel for the petitioner submits that the incident

occurred on account of some altercation between the watcher and the 1st accused in the case and actually the accused were beaten up by the employees of the company. It is submitted that the petitioner has been in custody from 12-01-2022 and his continued detention is not necessary as a final report has already been filed on 14-01-2022. It is submitted that accused Nos.1 & 2 in the case have already been released on bail.

4. The learned Public Prosecutor on instruction confirms that a final report has already been filed in the matter on 14-01-2022. It is submitted that accused Nos.1 & 2 have already been released on bail.

5. Having regard to the facts and circumstances of the case and

considering the fact that the other accused in the case have already been released on bail, I am of the view that the petitioner can be granted bail as his custody is no longer necessary for the purpose of any investigation. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:- B.A. No.617/2022 -3-

(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.493/2021 of Munnar Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the de facto complainant or any witness in Crime No.493/2021 of Munnar 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.493/2021 of Munnar Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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