

Arun vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-08-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./2492/2022

Appellant : ARUN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 8TH DAY OF APRIL 2022 / 18TH CHAITHRA, 1944 BAIL APPL.
NO. 2492 OF 2022 CRIME NO.1651/2021 OF VILAPPILSSALA POLICE
STATION, THIRUVANANTHAPURAM DISTRICT

PETITIONER/ACCUSED: ARUN, AGED 29 YEARS, VARUVILAKATHU
VEEDU, CHIRAKONAM, PEYAD, VILAPPIL VILLAGE,
THIRUVANANTHAPURAM DISTRICT., PIN - 695573 BY ADV
LATHEESH SEBASTIAN RESPONDENT: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 BY PUBLIC PROSECUTOR OTHER PRESENT:
SRI. M.C. ASHI (PP) THIS BAIL APPLICATION HAVING COME UP

FOR ADMISSION ON 08.04.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: B.A.No.2492/2022 2

ORDER

This is an application for regular bail.

2. I had, by Annexure 1 order dated 09.02.2022, dismissed the bail

application of the petitioner for reasons indicated therein. Though the learned counsel for the petitioner vehemently submits that an incomplete final report has been filed in the matter only to deny statutory bail to the petitioner, I am not inclined to accept the submission as the submission is made stating that FSL reports have not been enclosed with the final report. This, in my opinion, even if true, cannot make the final report 'incomplete'. It is also pointed out by the learned counsel for the petitioner that the trial of the case is not likely to take place very soon.

3. This is a case, where the petitioner claimed that he was in a

relationship with the deceased. He suspected that the deceased had revealed her relationship with the petitioner as a result of which, the marriage of the petitioner with another lady did not take place. Owing to the animosity arising out of the above, the petitioner trespassed into the house of the deceased and attacked her with a

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knife and also caused injuries to her mother, the de facto complainant. The deceased suffered 40 antemortem injuries and she succumbed to the same. It was taking note of the aforesaid circumstances that the bail application of the petitioner was dismissed by order dated 09.02.2022. I see no change of circumstances warranting a different view to be taken. It is settled law that successive bail applications cannot be entertained

unless there is a substantial change of circumstances. See Kalyan Chandra Sarkar v. Rajesh Ranjan, (2005) 2 SCC 42.

The bail application stands dismissed. Sd/- GOPINATH P. JUDGE bka/08.04.2022

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