

Devan vs State of Kerala

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Court : Kerala

Decided On : Jun-10-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./2796/2022

Appellant : DEVAN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 10TH DAY OF JUNE 2022 / 20TH JYAISHTA, 1944 BAIL
APPL. NO. 2796 OF 2022 AGAINST CRIME NO. 1056/2018 OF OLLUR
POLICE STATION PETITIONER/ACCUSED NO.2: DEVAN AGED 27
YEARS SON OF MANI, KARUVANNURKKARAN HOUSE, NEAR
SCHOOL, ANCHERY, OLLUR, THRISSUR, PIN - BY ADV
V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT/STATE: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR OTHER
PRESENT: SR.PP - SMT. SEETHA S. THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 10.06.2022, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.2796 of 2022
:2:

VIJU ABRAHAM, J.

-- -- -- -- -- B.A. No.2796 of 2022 -- -- -- -- --
-- -- Dated this the 10th day of June, 2022

ORDER

This is an application for regular bail.

2. The petitioner is accused No.2 in Crime No.1056/2018 of Ollur Police Station alleging commission of offence punishable under Sections 367, 308, 506(i) and 212 r/w 34 of Indian Penal Code.

3. The prosecution allegation is that, on 20.11.2018, at 8:00

pm, the accused with an intention to cause hurt to the defacto complainant took him in the bike ridden by the 2 nd accused and the 1st accused was the pillion rider. The defacto complainant was sitting in between them. When the vehicle reached at a place, which can be identified, the motorcycle was stopped and the 1 st accused stabbed with a knife on defacto complainant's buttocks. When he tried to escape, the 1 st accused again stabbed with the knife and the defacto complainant became unconscious. When he was taken to the Thrissur Co-Operative Hospital, accused Nos.1 to 5 criminally intimidated to cause his death and thereby the

B.A. No.2796 of 2022 :3: accused have committed the aforesaid offences. 4 .Though bail was granted in the said crime on 14.02.2019, the said bail was canceled by Annexure A1 order, by the Additional Assistant Sessions Court-II, Thrissur on 23.11.2022, on the ground that the petitioner violated the bail condition as the petitioner got involved in 4 other crimes. Thereupon the petitioner surrendered on 07.02.2022 and since then he is in custody. Though the petitioner moved a bail application before the Trial Court, the same was rejected as per Annexure A2 order.

5. The learned Public Prosecutor seriously opposed the bail application mainly contending that the petitioner has violated the bail conditions and that he got involved in 4 other crimes. The petitioner submits that the other 4 crimes subsequently registered are all bailable and he is on bail in those cases.

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

considering the nature of the allegations and considering the fact that the petitioner is in custody from 07.02.2022 onwards, I am inclined to grant bail to the petitioner subject to stringent conditions. In the result, the bail application is allowed. It is directed that the petitioner shall be released on bail, subject to B.A. No.2796 of 2022 :4: the following conditions:

(i) The petitioner shall execute 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) Petitioner shall appear before the investigating officer in Crime No.1056/2018 of Ollur Police Station on every Saturday at 11 am, for a period of 3 months ;

(iii) The petitioner shall appear for court proceedings without fail, except on medical grounds.

(iv) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the defacto complainant or any witness in Crime No.1056/2018 of Ollur Police Station;

(v) The petitioner shall not enter the local limits of the Ollur police station where the defacto complainant is residing except for the purpose B.A. No.2796 of 2022 :5: of complying with condition No.(ii)above;

(vi) The petitioner shall surrender his passport

before the jurisdictional court. If the petitioner does not have a passport, he shall execute an affidavit to that effect and file the same before the said court within seven days of release on bail;

(vii) 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.1056/2018 of Ollur Police Station may file an application before the jurisdictional court, for cancellation of bail. Sd/- VIJU ABRAHAM JUDGE sm/ B.A. No.2796 of 2022 :6: APPENDIX OF BAIL APPL. 2796/2022 PETITIONER'S ANNEXURES Annexure1 TRUE COPY OF THE ORDER IN CRL.M.P.NO.343/2021 OF THE OF THE COURT OF THE ADDITIONAL ASSISTANT SESSIONS JUDGE-II, THRISSUR DATED 23.11.2021 Annexure2 FREE COPY OF THE ORDER IN CRL.M.P.NO.119/2022 OF THE COURT OF THE ADDITIONAL ASSISTANT SESSIONS JUDGE-II, THRISSUR DATED 21.03.2022

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