

Jayapalan vs State of Kerala

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Court : Kerala

Decided On : Jun-27-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./4685/2022

Appellant : Jayapalan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
MONDAY, THE 27TH DAY OF JUNE 2022 / 6TH ASHADHA, 1944 BAIL
APPL. NO. 4685 OF 2022 CRIME NO.512 OF 2022 OF THIRUVALLAM
POLICE STATION, THIRUVANANTHAPURAM
PETITIONER/ACCUSED: JAYAPALAN AGE 50 S/O. VELAPPAN,
THINAVILA COLONY, SANTHIPURAM, THIRUVALLAM,
THIRUVANANTHAPURAM DISTRICT. BY ADVS. BRIJESH MOHAN
SHAJIN S.HAMEED RESPONDENT/STATE: STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM., PIN CODE - 682031 BY ADV PUBLIC
PROSECUTOR OTHER PRESENT: PP - SRI. M.C.ASHI THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 27.06.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

B.A. No.4685 of 2022 Dated this the 27th day of June, 2022

ORDER

This is an application for regular bail.

2. Crime No.512 of 2022 of Thiruvallam Police Station, Thiruvananthapuram is registered against the petitioner alleging commission of offences punishable under Sections 198A and 506(i) of the Indian Penal Code.

3. The allegation foisted against the petitioner is that on 27.05.2022 at

9.40 p.m, when a witness in S.C.No.34 of 2019 pending before the Addl. Sessions Court-I, Thiruvananthapuram, telephoned the accused from the mobile phone of one Pramod, the accused threatened him not to give evidence against the accused in Crime No.471 of 2018 of Thiruvallam Police Station, which is now pending as S.C.No.34 of 2019 before the Addl. Sessions Court-I, Thiruvananthapuram and thus committed the abovesaid offences. Petitioner was arrested in connection with the crime on 28.05.2022 and is in custody since then.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned Public Prosecutor upon instruction submitted that the prosecution case is that the accused threatened the defacto complainant in Crime No.471 of 2018 of Thiruvallam Police Station, which is now pending as BA No.4685 of 2022

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S.C.No.34 of 2019 before the Addl. Sessions Court-I, Thiruvananthapuram, not to give evidence against the accused in the said crime. Learned Public Prosecutor upon instruction further submitted that the defacto complainant is already examined and what now remain is only examination of official witnesses. Taking

into consideration the facts and circumstances of the case and the nature of the allegations, and that only official witnesses are left to be examined, I am inclined to grant bail to the petitioner on the following stringent conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;

(ii) He shall appear before the investigating officer as and when required.

(iii) He shall not attempt to interfere with the investigation or to influence any witness in the abovesaid crime.

(iv) He shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No. 512 of 2022, Thiruvallam Police Station, Thiruvananthapuram may file an application before the jurisdictional court, for cancellation of bail. sd/- VIJU ABRAHAM JUDGE cks

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