

Saneesh vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./5510/2022

Appellant : Saneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 AGAINST THE ORDER/JUDGMENTBail Appl. 3842/2022 OF HIGH COURT OF KERALA (CRIME NO.1258/2022 OF MUVATTUPUZHA POLICE STATION, ERNAKULAM DISTRICT) PETITIONER/S: SANEESH, S/O AYYAPPAN AGED 45 YEARS KAVUKALATHIL HOUSE, ARIYALLUR, MALAPPURAM 676 312, PIN - 676312 BY ADVS. THOMAS T.VARGHESE PHILIP T.VARGHESE ACHU SUBHA ABRAHAM V.T.LITHA K.R.MONISHA ARJUN RAJA P.C. SREENATH VIJAYARAGHAVAN RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT

OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER
MUVATTUPUZHA POLICE STATION., PIN - 686673 OTHER
PRESENT: PP SRI.NOUSHAD K.A THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 29.07.2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== B.A.No.5510 of 2022
----- Dated this the 29th day of July,
2022

ORDER

This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the 1st accused in Crime No.1258/2022 of

Muvattupuzha Police Station for offences under Sections 341, 364 A, 347, 323, 354, 368, 447, 342, 454, 386, 506, 143 and 149 of the Indian Penal Code, 1860 r/w Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The prosecution case is that on 07.05.2022, at about 6.00 p.m., accused, in furtherance of their common object kidnapped the husband of the defacto complainant, and confined him in a hotel room and caused bodily

injury to compel him to return amounts borrowed. The accused also trespassed into the house of the defacto complainant and outraged her modesty as well as that of her minor daughter and committed extortion by removing equipment worth Rs.1 Crore .

4. Sri.Philip T.Varghese, the learned counsel for the petitioner

contended that petitioner had surrendered and arrested on 27.06.2022 and that he has been in custody since then. It was further contended that the petitioner is

totally innocent and that he has been roped in the case on the basis of false allegations.

5. Sri.Noushad K.A., the learned Senior Public Prosecutor,

vehemently opposed the grant of bail and submitted that petitioner is already an accused Crime No.227/2020 of Parappanangadi Police Station and the release of the petitioner on bail will cause prejudice to the entire case, especially since two of the remaining accused have not yet been arrested.

6. I have considered the rival contentions.

7. Petitioner is alleged to have participated along with other 9 accused in a serious offence. Prima facie, there are materials which indicate the involvement of the petitioner. However, since the petitioner was arrested on 27.06.2022, I am of the opinion that the continued detention of the petitioner may not be required for the purpose of investigation. Already, 8 accused amongst 10 have either surrendered or arrested and all have already obtained bail. In such circumstances, I am satisfied that continued detention of the petitioner is not required.

8. Accordingly I allow this application on the following conditions :-

(i) Petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(ii) Petitioner shall appear before the Investigating Officer as and when required.

(iii) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the defacto complainant or her family members.

(iv) Petitioner shall not commit any other offence while he is on bail.

(v) Petitioner shall not enter the limits of the Muvattupuzha Police Station pending trial of the case except for the purpose of complying with the conditions imposed.

(vi) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. sd/ BECHU KURIAN THOMAS JUDGE jm/

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