

Sumesh vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1503374

Court : Kerala

Decided On : Jul-29-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./5706/2022

Appellant : Sumesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 BAIL
APPL. NO. 5706 OF 2022 CRIME NO.420 OF 2022 OF
VADAKKANCHERY POLICE STATION, THRISSUR DISTRICT
PETITIONER/ACCUSED NO.2: SUMESH, AGED 27 YEARS, S/O.
UNNIKUTTAN KONIPARAMBIL HOUSE, PANAGATUKARA,
THEKKUMKARA., THRISSUR DISTRICT-, PIN - 680580

BY ADV K.M.MUHAMMED HUSSAIN RESPONDENTS/STATE: 1 STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, PIN - 682031 2 STATION HOUSE OFFICER WADAKKANCHERY
POLICE STATION, THRISSUR DISTRICT., PIN - 680580 OTHER PRESENT:

SR.PP SMT. SEETHA S. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No. 5706 of 2022 2

VIJU ABRAHAM, J.

----- B.A. No. 5706 of 2022 ----- Dated this the
29th day of July, 2022

ORDER

This is an application for regular bail.

2. Petitioner is the 2nd accused in Crime No.420

of 2022 of Vadakkanchery Police Station, Thrissur District registered alleging commission of offences punishable under Sections 341, 342, 364-A, 365, 394, 395, 307, 120B r/w 34 of IPC.

3. The prosecution case is that, on 24.05.2022 at

01.30 p.m., at Kannampara, due to previous animosity towards the cousin of the victim the accused Nos.1 to 8, formed themselves into an unlawful assembly and armed with deadly weapon, accused 2 to 6 threatened him by showing knife and sword kidnapped the victim and restrained him and kept him in their custody for money and caused hurt to him. Thus, the B.A. No. 5706 of 2022 3 accused is alleged to have committed the offences punishable u/ss.341, 342, 364-A, 365, 394, 395, 307, 120B r/w 34 of IPC.

4. Petitioner submits that he was arrested on 27.5.2022 and he is in custody since then.

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

6. Learned Public Prosecutor opposed the

application for bail mainly contending that the petitioner has an active role in the commission of offences and he is involved in 10 other criminal cases, and further submitted that the investigation is going on.

7. Learned counsel for the petitioner submits that accused Nos.1,5,6 and 7 have already released on bail by this Court.

8. Considering the facts and circumstances of the

case and the nature of the allegation, and that the petitioner is in custody from 27.05.2022 onwards, I am inclined to grant bail to the petitioner and it B.A. No. 5706 of 2022 4 is ordered that the petitioner shall be released on bail on the following stringent 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.402 of 2022 of Vadakkanchery Police Station, on every Tuesday and Saturday at 11 am till filing of final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence any witness in Crime No. 420 of 2022 of Vadakkanchery Police Station;

(iv) The petitioner shall not involve in any other crime while on bail.

(v) The petitioner shall not enter the local limits of Vadakkanchery Police Station for a period of 4 months, except for attending court proceedings and to comply with condition No.((ii)).

If any of the aforesaid conditions are violated, the investigating officer in Crime No. 420 of 2022 of Vadakkanchery Police Station may file an B.A. No. 5706 of 2022 5 application before the jurisdictional court, for cancellation of bail. sd/- VIJU ABRAHAM, JUDGE pm