

Brijesh Kumar 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./5807/2022

Appellant : Brijesh Kumar

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 CRIME NO.335/2022 OF Munnar Police Station, Idukki PETITIONER/ ACCUSED : BRIJESH KUMAR, AGED 18 YEARS, 6TH MURI LANE, HOUSE NO. MGP - XVII/667, NEAR TATA MUSEUM, NALLATHANNI ROAD, MUNNAR - 685 612 BY ADVS. THOMAS J.ANAKKALLUNKAL JAYARAMAN S. NIRMAL CHERIYAN VARGHESE LITTY PETER RESPONDENT : STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA - 682 031 BY SMT.M.K.PUSHPALATHA, PUBLIC PROSECUTOR 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.5807 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 accused in Crime No.335/2022 of Munnar Police Station, Idukki District alleging offences under Sections 341, 324, 506(ii) and 307 of the Indian Penal Code, 1860.

3. The prosecution case is that the accused wrongfully restrained

the victim and after assaulting her, inserted a blade in her mouth and dragged her to the back side of a church and slit her neck with a knife, with an intention to commit murder and thereby she sustained serious injuries.

4. Sri.Thomas J.Anakkallunkal, the learned counsel for the

petitioner submitted that in the alleged incident, the petitioner also had suffered very serious injuries for which he was under medical treatment for several weeks and that his mental state is also a matter of concern as he is suffering from a psychiatric illness. The learned counsel further pointed out that considering the young age of the petitioner and the date of arrest being 08.06.2022, the continued detention of the petitioner will not serve any purpose.

5. Smt.M.K.Pushpalatha, the learned Public Prosecutor while

opposing the application submitted that the nature of the crime committed by the petitioner is very serious and that if the petitioner is released on bail, he would be a threat, not only to the victim. It was also pointed out that the investigation is still continuing and therefore the petitioner ought not to be released on bail.

6. On a perusal of the statement of the victim as well as the records produced along with this bail application, it is seen that the earlier bail application filed by the petitioner was dismissed on 13.07.2022 as per

the order in Bail Application No.4616/2022. Even though the investigation is still continuing, having regard to the young age of the petitioner as well as the injuries suffered by him, though inflicted by himself, I am of the view that continued detention of the petitioner may not serve any purpose. Accordingly I allow this bail application on the following conditions :-

(a) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of

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

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

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave India without the permission of 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 RKM

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