

**Suneer vs the State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1525248](https://sooperkanoon.com/1525248)

**Court :** Kerala

**Decided On :** Oct-06-2022

**Judge :** Honourable Mr.Justice Viju Abraham

**Appeal No. :** Bail Appl./6672/2022

**Appellant :** Suneer

**Respondent :** The State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM  
THURSDAY, THE 6TH DAY OF OCTOBER 2022 / 14TH ASWINA, 1944  
Crime No.1113 of 2021 of Chavakkad Police Station,  
PETITIONER/ACCUSED NO.3: SUNEER, AGED 40 YEARS S/O.  
MOIDUNNY, CHETTUVAYI HOUSE, PARAPPILTHAZHAM,  
MANATHALA VILLAGE, CHAVAKKAD TALUK, THRISSUR, , PIN -  
680506. BY ADVS. SUNNY MATHEW NIKITTA TRESSY GEORGE  
RESPONDENTS/COMPLAINANT & STATE: 1 THE STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF  
KERALA, ERNAKULAM COCHIN, PIN - 682031 2 THE STATION  
HOUSE OFFICER, CHAVAKKAD POLICE STATION, THRISSUR  
DISTRICT, PIN - 680506

OTHER PRESENT: ADDL.PP - SRI. P.NARAYANAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: VIJU ABRAHAM, J BA No. 6672 of 2022 th Dated this the 6 day of October, 2022

## **ORDER**

This is an application for regular bail.

2. Petitioner is the third accused in Crime No.1113

of 2021 of Chavakkad Police Station, alleging commission of offences punishable under Sections 341, 324, 326, 302 and 506(ii) r/w Section 34 of the Indian Penal Code.

3. The prosecution allegation is that on 31.10.2021 at 4.40 pm., the accused in the case, who are three in number attacked the deceased at a place called Chaparambu and stabbed him with a weapon and he sustained grave injuries and died as the result of the injuries and thereby the petitioner has committed the aforesaid offences.

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

5. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the above

case. The learned counsel further submitted that the petitioner was arrested on 31.12.2021 and he is in custody since then and that charge sheet is already laid and further detention of the petitioner is not required for the purpose of the investigation. The learned counsel for the petitioner further submitted that though the petitioner moved an application for bail along with the second accused before this court, this court has granted bail to the second accused and declined bail to the petitioner herein as per Annexure- A2 order.

6. The learned Public Prosecutor opposed the

application for bail mainly contending that the petitioner is involved in another crime as Crime No.140 of 2006 of Erumapetty Police Station. The learned counsel for the petitioner submitted that the petitioner is acquitted in the said crime in the year 2012. The learned Public prosecutor raised apprehension that if the petitioner is released on bail, there is every chance of influencing the witnesses and threatening them and further that there is every chance for breach of peace in the area.

7. Considering the facts and circumstances of the

case and taking into consideration the fact that charge sheet is already laid and the petitioner is in custody from 31.12.2021 onwards, I am inclined to grant bail to the petitioner. But taking into consideration the apprehension raised by the learned Public Prosecutor, the same shall only be on stringent conditions. In the result, the bail application

is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:

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

(ii) The petitioner shall appear before the investigating officer in Crime No.1113 of 2021 of Chavakkad Police Station, on every Saturday at 11 am till the finalisation of the trial,

(iii) The petitioner shall not attempt to influence the defacto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.1113 of 2021 of Chavakkad Police Station,

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

(v) The petitioner shall not enter the police station limits of Chavakkad Police Station till the finalisation of the trial, except for attending any court proceedings or complying with condition No.(ii),

(vi) The petitioner shall not leave the State of Kerala, without obtaining permission from the trial court, If any of the aforesaid conditions are violated, the investigating officer in Crime No.1113 of 2021 of Chavakkad Police Station, may file an application before the jurisdictional Court, for cancellation of bail. sd/- VIJU ABRAHAM, JUDGE R.AV

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