

Ansar vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-25-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./1683/2021

Appellant : ANSAR

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
THURSDAY, THE 25TH DAY OF FEBRUARY 2021 / 6TH PHALGUNA,
1942 Bail Appl..No.1683 OF 2021 CRIME NO.696/2019 OF
KAIPAMANGALAM POLICE STATION, THRISSUR , Thrissur
PETITIONER/S: ANSAR AGED 21 YEARS KUNNATH HOUSE,
MATHILAKAM FERRY ROAD, PAPINIVATTOM, THRISSUR DISTRICT
BY ADV. SRI.VINAY RAMDAS RESPONDENT/S: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA R1 BY PUBLIC PROSECUTOR R1 BY DIRECTOR GENERAL
OF PROSECUTION

OTHER PRESENT: SRI.SANTHOSH PETER SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.1683 OF 2021 2

ORDER

Dated this the 25th day of February 2021 Application for regular bail under Section 439 of Cr.P.C. The successive bail application filed by the applicant was dismissed by this Court. The applicant thereafter approached the Supreme Court by filing S.L.P.No.581/2021 and the Honourable Supreme Court observed thus:- Learned senior counsel for the Petitioner prays for withdrawal of the Special Leave Petition with liberty to move the High Court. The matter has not been taken up for hearing before the trial court on account of the pandemic, despite the liberty granted by the High Court. The counsel for the Petitioner has submitted that his client requires urgent orthopedic surgery. The High Court may issue such direction(s), as may be considered appropriate, after the complete medical assessment of the Petitioner is carried out. Special Leave Petition is dismissed as withdrawn with the above said observations.

2. In view of the observations by the Honourable Supreme Court, a detailed report was called from the Superintendent of Central Prison, Viyyur and the medical assessment report of the applicant is before this Court, which Bail Appl..No.1683 OF 2021 3 reads as thus:-

RP Ansar was admitted in Medical College Thrissur Ortho department during 17.12.2020 to 25.01.2021. He had malunited fracture of both bones in right leg distal 1/3rd and psychiatric illness. Surgery done on 13.01.2021 and discharged from Medical college on 25.01.2021. Since then he was admitted in prison hospital ward. He was reviewed in Medical college on 01.02.2021 and 08.02.2021. His wound healed completely. On 08.02.2021 he was put on plaster cast and medicines

advised for one month which he is getting now. Presently his health is good. He was advised on plaster cast for six weeks. Calcium with vitamin D tablets and Neurobion Forte tablets for one month which he is getting.

3. The learned Public Prosecutor has pointed out that assessment of the mental status of the applicant was also being made regularly by the trial court and it is observed that

the applicant is fit to stand trial . While dismissing the application of the 1st accused by another bench of this Court, specific direction is given to the trial court to expedite the disposal of the case by day to day trial. Accordingly, the matter is posted on 27.02.2021 for scheduling of trial. There is a specific direction to commence trial within three months. Therefore, I am sure that the trial court would make an Bail Appl..No.1683 OF 2021 4 earnest attempt to see that the trial is taken to its logical

conclusion at the earliest. The applicant is medically fit, but

he has plaster cast on his legs, which will be removed in six weeks time from 08.02.2021. Hence, he may not find it difficult to appear for trial. Even if he finds it difficult to appear before the court in person, the Sessions Court is at liberty to permit him to attend the trial through video conferencing. With that liberty, the application for bail is dismissed. Sd/- ASHOK MENON JUDGE rmm

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