

Manoj vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-07-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./2416/2021

Appellant : MANOJ

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
WEDNESDAY, THE 07TH DAY OF APRIL 2021 / 17TH CHAITHRA,
1943 CRIME NO.198/2021 OF Pathanamthitta Police Station ,
Pathanamthitta PETITIONER/ACCUSED :- MANOJ AGED 39 YEARS
SON OF P.A.THOMAS, PANANPARAMBIL HOUSE,
ARANMULA,PATHANAMTHITTA PIN - 689533 BY ADV. SMT.K.SEENA
RESPONDENT :- STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA PIN - 682031 (THROUGH
THE STATION HOUSE OFFICER, PATHANAMTHITTA STATION)
AJITH MURALI- P.P THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 07.04.2021, THE COURT ON THE SAME DAY

PASSED THE FOLLOWING:

ORDER

Dated this the 7th day of April 2021 Application for regular bail.

2. Petitioner is the accused in Crime No.198 of 2021 of Pathanamthitta Police Station registered for the offences punishable under Sections 307 and 450 of the Indian Penal Code.

3. The prosecution case is that the petitioner was entertaining enmity towards his wife and her

parents. Due to the same on 06.02.2021 at about 10.15 pm he stabbed his wife with a knife and also caused injuries to her father with an intention to cause his death. All these offences were committed by him after committing trespass into her residential house, in the night.

4. Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

5. The learned counsel for the petitioner would

submit that he is a psychiatric patient undergoing treatment and so it is not safe to retain him in jail as he requires urgent treatment and hence this application.

6. The learned Public Prosecutor has opposed the application contending that the investigation of the case is not over and therefore his release on bail will adversely affect the investigation.

7. A perusal of the records would show that the petitioner and the defacto complainant are having two minor children and they are under the custody of the defacto complainant. The injuries caused to the

defacto complainant as well her father are very serious in nature. As the investigation is only in progress, it is not possible to conclude that he is entitled to be released on bail as he was suffering from some mental illness and had

undergone treatment one year back. It is not a ground to conclude that he requires treatment even now and his relatives are ready to take care of him. Hence, I find that his release on bail at this stage may cause difficulties to the prosecution and even cause death threats to those persons to whom he is entertaining enmity. Considering all this facts and circumstances, I think that this petitioner cannot be released on bail while the investigation is in progress. So for the time being this application is only to be dismissed. Sd/- SHIRCY V. JUDGE SMA

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