

X vs State of Kerala

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Court : Kerala

Decided On : Apr-30-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./2457/2021

Appellant : X

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943 Bail
Appl..No.2457 OF 2021 CRIME NO.107/2021 OF Vellarikundu Police
Station , Kasargod PETITIONER/S: XXXXX BY ADVS. SRI.T.MADHU
SMT.C.R.SARADAMANI RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA 2 THE STATION HOUSE OFFICER VELLARIKUNDU POLICE
STATION, KASARAGOD DISTRICT. BY PUBLIC PROSECUTOR SMT.
SREEJA V THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 30.04.2021, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: ..2..

----- B.A.No.2457of 2021
----- Dated this the 30th day of April, 2021

ORDER

This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused in Crime No.107/2021

of Vellarikundu Police Station. The offences alleged are under Sections 307 and 326 of Indian Penal Code and Section 75 of the Juvenile Justice (Care and Protection of Children) Act.

3. The prosecution case in short is that, on 04.02.2021

at 11.30 hrs, at Konnakkad in Malom Village, the petitioner with an intention to kill his own children stabbed with a knife on the left side of the ear of his son aged 9 years, piercing his ear and also stabbed on the head of his daughter aged 6 years, thereby attempted to commit murder causing grievous injuries.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been ..3..

falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. It is true that the offence alleged is serious and

heinous one. The petitioner is the father of the victims. However, the fact remains that he is in custody since 04.02.2021. The learned counsel for the petitioner submitted that the petitioner was undergoing acute depression consequent to Covid-19 pandemic and the alleged act was done when he was under a state of mental instability. The counsel further submitted that, now even the mother of the victim is ready to stand as surety, but she does not have any property. The petitioner has no criminal antecedents. The investigation is almost over.

7. Considering the entire facts and circumstances of ..4.. the case, and also considering the period of detention already undergone by the petitioner, I am of the view that he can be released on bail, on conditions. In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court. Apart from two sureties, the wife of the petitioner shall also stand as surety by executing personal bond.

(ii) The petitioner shall fully co-operate with the investigation.

(iii) The petitioner shall appear before the investigating

officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail. ..5..

(v) The petitioner shall not make any attempt to

contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court. Sd/- DR. KAUSER EDAPPAGATH, JUDGE kkj