

Binu vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./2509/2021

Appellant : BINU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA,
1943 Bail Appl..No.2509 OF 2021 CRIME NO.2064/2020 OF Ollur Police
Station , Thrissur PETITIONER/S: BINU AGED 38 YEARS S.O
AUGUSTINE, KUZHIKKULAM HOUSE, VETTUKKAD DESOM,
PUTHUR VILLAGE, THRISSUR BY ADV. SRI.V.A.VINOD
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.S.SAJJU-SR PP THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 31.03.2021, THE COURT ON

ORDER

Dated this the 31st day of March 2021 This is an application seeking regular bail under Section 439 Cr.PC.

2. The applicant is the sole accused in Crime No.2064/2020 of Ollur Police Station, Thrissur for having allegedly committed an offence punishable under Section 302 IPC.

3. The prosecution case, in brief, is that on 04.12.2020 at about

08.30 P.M due to enmity with his father-in-law, brother-in-law and wife, the applicant allegedly went to his matrimonial home and there was an altercation with his father-in-law and as a result of the altercation, he assaulted him and also stabbed him on the chest with a dangerous weapon like a knife causing his death and thus committed the offence.

4. The applicant states that he is innocent and the allegations are

not true and that on previous occasion he was twice manhandled by his brothers-in-law, as a result of which two crimes are pending against them. He had gone to his father-in-law's house to contact his wife and bring her back home. But his father-in-law allegedly assaulted him and in the scuffle somehow his father-in-law sustained some injuries, which proved to be

-3- fatal and he is not responsible for the said act and therefore seeks bail, since he has been in custody from 4.12.2020 onwards.

5. Heard the learned counsel for the applicant and the learned Public Prosecutor.

6. The learned Public Prosecutor admits that the applicant has no

criminal antecedents. But he is a victim of two other crimes, which are pending against his brothers-in-law for having assaulted him. Moreover, it is pointed out that four of the witnesses are his relatives and there is another witness who is his

neighbour and in case he is lent on bail, there is every possibility of his either influencing or intimidating the witnesses. There is also a threat to his life also because of the animosity and the vengeance that his brothers-in-law are nursing against him. Hence, the Bail Application is opposed.

7. After having heard both sides, I find that the applicant has been

in custody since 4.12.2020. He has no other criminal antecedents. The weapon has been recovered and the final report has already been filed. Therefore, there is no point in detaining the applicant in custody till the trial is over. However, considering the fact that he may attempt to influence or intimidate the witnesses and the fact that there is a threat to his own life,

-4- certain restrictions can be imposed. In the result, the Bail Application is allowed and the applicant is directed to be released on bail on execution of a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on the following conditions:

(i) He shall not enter Ollur Police Station limit till the trial is over, except for the purpose of attending the trial.

(ii) He shall not attempt to influence or intimidate the witnesses or tamper with evidence.

(iii) He shall not get involved in similar offences during the currency

of the bail. In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court. Sd/-
ASHOK MENON JUDGE jg

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