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Noushad vs State of Kerala

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Court : Kerala

Decided On : Apr-27-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./3161/2021

Appellant : Noushad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943 Bail Appl..No.3161 OF 2021 CRIME NO.100/2020 OF PERUMPADAPPU POLICE STATION, MALAPPURAM PETITIONER/ACCUSED NO.3: NOUSHAD, AGED 33 YEARS, SON OF KUNHIMON, PULIKKAL VEEDU, PALAPETTY P.O, PALAPPETTY, AMBALEM BRANCH, PONNANI TALUK, MALAPPURAM DISTRICT PIN-679579 BY ADV. SRI.S.RENJITH RESPONDENT/STATE & COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN- 682031 R1 BY PUBLIC PROSECUTOR, SMT. SREEJA V THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 27.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 27th day of April 2021 This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused No.3 in Crime No.100/2020 of Perumpadappu Police Station. The offences alleged are under Sections 323, 324, 341, 354, 452, and 506 (1) of IPC.

3. The prosecution case in short is that on 4/4/2020, the

petitioner along with the remaining accused trespassed into the house of the defacto complainant, assaulted the husband of the defacto complainant and tore the nighty worn the defacto complainant with intention to outrage the modesty and thereby committed the offence.

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 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. Perusal of the case diary would reveal that prima facie there are materials on record to connect the petitioner with the crime. However, the petitioner was remanded to judicial custody on investigation, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the

petitioner is entitled to 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 `1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

(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.

(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 Rp JUDGE

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