

Sujithkumar 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./3175/2021

Appellant : Sujithkumar

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.3175 OF 2021 CRIME NO.297/2021 OF Pathanamthitta Police Station ,
Pathanamthitta PETITIONERS:

1 SUJITHKUMAR AGED 39 YEARS SON OF SUKUMARAN,
CHARIVUPARAMBIL HOUSE, KIDANGANNUR P.O., KIDANGANNUR
VILLAGE, PIN-689514 2 VARGHESE CHERIYAN @ RAJAN AGED 55
YEARS SON OF CHERIYAN SAMUEL, NEDIYAKALAYIL HOUSE,
KIDANGANNUR P.O., KIDANGANNUR VILLAGE, PIN-689514 BY
ADVS. SRI.K.SHAJ SRI.C.IJLAL SRI.RENJIT GEORGE SRI.ARUN

CHAND SHRI.VINAYAK G MENON SHRI.BHARAT VIJAY P.
SHRI.MAJID MUHAMMED K. SMT.NEERAJA GOWRI A.S
SMT.GAYATHRI SATHYAN SMT.UMMUL FIDA

RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM PIN-682031 2 THE STATION HOUSE OFFICER PATHANAMTHITTA POLICE STATION, PATHANAMTHITTA, PIN-689645 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: Bail Appl..No.3175 OF 2021 2

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 petitioners are the accused Nos.5 and 6

in Crime No.297/2021 of Pathanamthitta Police Station. The offences alleged are under Sections 450, 323, 324, 325, 326, 380, 120(B), 302 and 2020 read with Section 34 of IPC.

3. The prosecution case in short is that on

criminal conspiracy to murder the deceased Abraham K Etti and in pursuance of the conspiracy, accused nos 1 to 6 reached the house of the deceased at 9.15 pm on deceased with deadly weapons and inflicting a serious injury and caused the death of the deceased and thereby committed offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners submitted that the petitioners are absolutely innocent Bail Appl..No.3175 OF 2021 3

and they have been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioners with the alleged crime and hence they are 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 petitioners and if the petitioners are released on bail at this stage, it would affect the course of investigation.

6. The petitioners were arrested on 1/3/2021

and since then he is in judicial custody. The case records would show that the 1st accused committed murder of his father with active assistance of accused nos 2 and 3. No overt act has been attributed to the remaining accused including the petitioners, apart from the allegations that they were the members of the conspiracy. The conspiracy was also hatched at the house of the 4th accused. The 4th and 7th accused were already granted bail by this court. The role of the 4th and 7th accused is similar to that of the petitioners. The petitioners have no criminal antecedents. The

Bail Appl..No.3175 OF 2021 4 investigation of the case is almost over. For all these reasons, I am of the view that further detention of the petitioners is not necessary and they can be released on bail. In the result, the application is allowed on the following conditions:-

(i) The petitioners shall be released on bail on

executing a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties for the like sum each to the satisfaction of the jurisdictional Magistrate/Court.

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

(iii) The petitioners shall appear before the

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

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

(v) The petitioners shall not make any attempt to Bail Appl..No.3175 OF 2021 5

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 petitioners shall not leave State of Kerala without the permission of the trial Court. Sd/- DR. KAUSER EDAPPAGATH JUDGE ska

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