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Akash @ Appus 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./3284/2021

Appellant : Akash @ Appus

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.3284 OF 2021 CRIME NO.184/2021 OF Sakthikulangara Police Station, Kollam PETITIONER: AKASH @ APPUS AGED 20 YEARS KIZHAKKE VEETTIL, KUREEPUZHA CHERI, SHAKTHIKULANGARA VILLAGE, KOLLAM BY ADV. SRI.C.RAJENDRAN RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA 2 STATION HOUSE OFFICER AGED 35 YEARS SHATHIKULANGARA POLICE STATION, NATIONAL HIGHWAY 47, KAVANAD, KOLLAM BY ADV. SRI.M.R.DHANIL, PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

27.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

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 sole accused in Crime No.184/2021 of Shakthikulangara Police Station. The offences alleged are under Sections 294(b), 324, 326, 341 and 307 of IPC

3. The prosecution case in short is that, on 15.03.2021 at

about 8.00 p.m., the petitioner uttered abusive words towards the defacto complainant and assaulted on his head with a crowbar, causing fracture to his skull with intention to kill him 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 26.03.2021. In view of the nature of the crime and the stage of 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 JUDGE VPK

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