

Aji vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1638796

Court : Kerala

Decided On : May-27-2021

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./3743/2021

Appellant : AJI

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR THURSDAY, THE 27TH DAY OF MAY 2021 / 6TH JYAISHTA, 1943 BAIL APPL. NO. 3743 OF 2021 CRIME NO.535/2021 OF Sasthamcotta Police Station, Kollam PETITIONER/S: AJI, AGED 41 YEARS SAJINI MANDIRAM, PATTAKADAVU , KOTHAPURAM MURI, WEST KALLADA VILLAGE KOLLAM, PIN - 691500 BY ADVS. K.SIJU SMT.S.SEETHA SMT.ANJANA KANNATH RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER SASTHAMCOTTA POLICE STATION, KOLLAM KOLLAM, PIN - 690521 BY ADV PUBLIC PROSECUTOR THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 27.05.2021, ALONG WITH Bail Appl..3868/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR THURSDAY, THE 27TH DAY OF MAY 2021 / 6TH JYAISHTA, 1943 BAIL APPL. NO. 3868 OF 2021 CRIME NO.535/2021 OF Sasthamcotta Police Station, Kollam PETITIONER/S: BAIJU JAMES, AGED 43 YEARS JISHO VILLA, ARINALLOOR, THEVALAKKARA VILLAGE KOLLAM, PIN - 690538 BY ADVS. K.SIJU SMT.S.SEETHA SMT.ANJANA KANNATH RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER SASTHAMCOTTA POLICE STATION, KOLLAM KOLLAM, PIN - 690521 BY ADV PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.05.2021, ALONG WITH Bail Appl..3743/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

ORDER

The petitioner in B.A. No.3743 of 2021 is the 2 nd accused and the petitioner in B.A. No.3868 of 2021 is the 1st accused in Crime No.535 of 2021 of Sasthamcotta police station registered for the offences punishable under Sections 452, 294(b), 324, 326 and 307 read with Section 34 IPC.

2. The prosecution allegation can be briefly stated thus:-

The petitioners and the informant were friends. While so, in connection with a dispute with regard to the taking of a country boat, there was a scuffle between the parties on 1.5.2021 at about 8.30 p.m. and in the course of the said scuffle, the first accused inflicted fatal injuries on the head of one of the injured -4- persons with a chopper. The 2nd accused inflicted injury on the other injured person.

3. The 2nd accused was arrested on 2.5.2021 and the 1st accused was arrested on 8.5.2021 and ever since, they have been in custody.

4. Heard.

5. The learned Public Prosecutor has no serious

objection in granting bail to the 2 nd accused. The 2nd accused did not use any weapon to inflict any injury on the injured. The 2nd accused had used only hands to attack the wife of the informant. There is no criminal antecedent against the 2nd accused. The 1st accused used a chopper to inflict injuries on the skull of the informant, causing fatal injuries on him and he is still in the Intensive Care Unit, -5- submitted by the learned Public Prosecutor. The investigation is not yet complete. Considering the nature and the gravity of the overt act alleged against the 1 st accused, I am not inclined to grant him bail at this stage. Considering the facts and circumstances of the case, including the overt act alleged against the 2 nd accused and also taking into consideration of the fact that the 2 nd accused did not use any weapon in the incident, I am inclined to grant bail to the 2nd accused. In the result, Bail Application No.3868 of 2021 stands dismissed and Bail Application No.3743 of 2021 stands allowed and the petitioner in Bail Application No.3743 of 2021 shall be enlarged on bail on condition of the petitioner in Bail Application No.3743 of 2021 executing a bond for -6- Rs.35,000/- (Rupees thirty five thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Jurisdictional Court and subject to the following conditions:

(i) The petitioner in Bail Application No.3743 of 2021 shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

(ii) The petitioner in Bail Application No.3743 of 2021 shall not get involved in any other offence of similar nature during the pendency of this case.

(iii) The petitioner in Bail Application No.3743 of 2021 shall not intimidate or influence the witnesses or in any way tamper with the investigation. sd B. SUDHEENDRA KUMAR, JUDGE. dl/

