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Surendran.B. vs State of Kerala

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Court : Kerala

Decided On : May-27-2021

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./4071/2021

Appellant : Surendran.B.

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 CRIME NO.366/2021 OF SOORANAD POLICE STATION, Kollam PETITIONERS/ACCUSED: 1 SURENDRAN.B. AGED 68 YEARS S/O BHASKARAN, SAIKRIPA, EZHAMILE, MANAMPUZHA, ADOOR THALUK, PATHANAMTHITTA DISTRICT, PIN-691553. 2 SASIDHARAN.K. AGED 64 YEARS, S/O KUNJUPILLAI, THADATHIL VEEDU, EDAKKADU SOUTH, MANAMPUZHA P.O, KUNNATHOOR THALUK, KOLLAM DISTRICT, PIN-691553.

BY ADV P.V.DILEEP (K/003205/1999)-13351 RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH

COURT OF KERALA, ERNAKULAM, PIN-682031. 2 STATION HOUSE OFFICER SOORANAD POLICE STATION, SOORANAD P.O, KOLLLAM DISTRICT, PIN-695022. 3 BINDHU AGED 35 YEARS PARAVILA THEKKATHIL,EDAKKADU SOUTH MURI, PORUVAZHI VILLAGE, KUNNATHOOR THALUK, KOLLAM DISTRICT, PIN-690520.

BY ADV.SMT.M.K.PUSHPALATHA, SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

The petitioners are accused Nos.1 and 2 in Crime No.366 of 2021 of Sooranad Police Station. The offences alleged are punishable under Section 304 IPC read with Section 34 IPC.

2. The prosecution case can be briefly stated thus:

A boy aged 14 years died on 28.03.2021 at about 6.45 pm due to electrocution inside the compound of Sri Bhadra Devi Temple, Thenguvila. The petitioners are the office bearers of the said temple.

3. The petitioners have filed this application under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has no serious objection in allowing this application. -3-

6. It has been submitted by the learned Public

Prosecutor that the petitioners have no criminal antecedent. The first petitioner is aged 68 years and the second petitioner is aged 64 years. It appears that the petitioners were made as accused in the above case on the sole reason that they are the office bearers of the temple committee. Considering the facts and circumstances of the case, I am of the view that this is a fit case where an order under Section 438 Cr.P.C. in favour of the petitioners will be justified. In the result,

this application stands allowed and the petitioners shall be released on bail in the event of their arrest in Crime No.366 of 2021 of Sooranad Police Station, on condition of each of the petitioners executing a bond for Rs.40,000/- (Rupees Forty Thousand only) each with two solvent sureties each, each for the like sum to the satisfaction of the Station House Officer concerned, before -4- whom the petitioners shall surrender within twenty days, if not arrested in the meantime and subject to the following further conditions:

1. The petitioners shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

2. The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

3. The petitioners shall not get involved in any other offence during the pendency of this case.

4. The petitioners shall co-operate with the investigation. Sd/- B.SUDHEENDRA KUMAR JUDGE nkr/27.05.2021

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