

Sidhik vs State of Kerala

Sidhik vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1675936

Court : Kerala

Decided On : Sep-30-2021

Judge : Honourable Mrs. Justice Mary Joseph

Appeal No. : CRL.A/616/2021

Appellant : Sidhik

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE MARY JOSEPH
THURSDAY, THE 30TH DAY OF SEPTEMBER 2021 / 8TH ASWINA,
1943 CRL.A NO. 616 OF 2021 AGAINST THE ORDER DATED
10.09.2021 IN CrI.M.P.NO. 1514/2021 ON THE FILE OF THE DISTRICT
& SESSIONS COURT (SPECIAL COURT FOR SC/ST (PoA) CASES),
PATHANAMTHITTA APPELLANT/PETITIONER/ACCUSED NO.1:
SIDHIK, AGED 30 YEARS, S/O.NABEESATH BEEVI, LEKSHYAM
VEEDU, VETTOOR P.O., KUMBAZHA, PATHANAMTHITTA, PIN - 689
653. BY ADV.SRI. M.T.SURESHKUMAR
RESPONDENTS/RESPONDENT & COMPLAINANT: 1 STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH

COURT OF KERALA, ERNAKULAM, PIN - 682 031. 2 PRASAD, AGED 52 YEARS, S/O.GOPALAN, PANACKAL VEEDU, MYLADUMPARA, KUMBAZGA P.O., PATHANAMTHITTA DISTRICT, PIN - 689 653. R1 BY SRI M.P.PRASANTH, PUBLIC PROSECUTOR THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 30.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of September, 2021 This appeal is directed against an order passed by the District and Sessions Court (Special Court for SC/ST (PoA) Cases), Pathanamthitta (for short the court below). The order was passed on 10.09.2021 dismissing the application filed by the appellant under Section 439 of the Code of Criminal Procedure, 1973 (for short Cr.P.C) seeking bail. The grievance of the appellant was that he was taken into custody on 21.08.2021 and even after passage of more than one month the custody is retained. According to him the investigation is almost over and there is no necessity in keeping him in custody further.

2. The learned Public Prosecutor is directed to obtain

instructions in the matter. It is submitted by the learned Public Prosecutor that the appellant is the 1 st accused in the case and arrested on 21.08.2021. According to him altogether seven persons were arraigned as accused in the crime but apart from the appellant the other accused were not arrested till date. Regarding recovery of the weapons used in the commission of the crime, it is submitted by the learned Public Prosecutor that those were a stone and wooden reaper and were already recovered. Therefore there is no question of maintaining the custody of the appellant any further. For the above reasons, CrI.Appeal stands allowed. Order dated 10.09.2021 in CrI.M.P.No.1514/2021 of the court below stands set aside. The appellant is enlarged on bail on execution of a bond for a sum of Rs.80,000/- (Rupees Eighty thousand only) with two solvent sureties each for the likesum to the satisfaction of the court below and subject to the following conditions:

1. The appellant shall appear before the Investigating Officer on all Mondays at 10 a.m., commencing from 04.10.2021 for a period of three months or till final report is filed, whichever is earlier.

2. The appellant shall surrender his passport before the

court concerned and in case he does not have one, shall file an affidavit to that effect before the court below. Passport shall be surrendered or affidavit shall be filed forthwith.

3. The appellant shall co-operate with the proceedings, before the court below without failure.

4. The appellant shall neither intimidate the witnesses or attempt to influence them, nor tamper with evidence.

5. The appellant shall not commit any offence while on

bail. In case of violation of any of the above conditions, the court below is empowered to consider application for cancellation, if any, filed by the authority concerned alleging violations of any of the conditions imposed as above and on being convinced of shall pass appropriate orders in accordance with law. sd/-
MARY JOSEPH JUDGE NAB APPENDIX OF CRL.A 616/2021 PETITIONERS ANNEXURE ANNEXURE A1 TRUE COPY OF THE FIR AND FIS IN CRIME NO.1250/2021 PATHANAMTHITTA POLICE STATION DATED 21/8/2021. APPENDIX OF CRL.MC 731/2020 PETITIONER ANNEXURES: ANNEXURE A1 CERTIFIED COPY OF THE FIR IN CRIME NO.272/2019 OF VALAPPAD POLICE STATION ANNEXURE A2 AFFIDAVIT DATED 20.11.2019 SWORN TO BY THE 1ST RESPONDENT ANNEXURE A3 TRUE COPY OF THE RECEIPT DATED 20.11.2019 ANNEXURE A4 CERTIFIED COPY OF THE ABOVE AFFIDAVIT FILED BY THE DEFACTO COMPLAINANT STATING THE SETTLEMENT. ANNEXURE A5 CERTIFIED COPY OF THE CHARGE SHEET IN CC CLASS MAGISTRATE COURT KODUNGALLOORE, THRISSUR DISTRICT. RESPONDENT'S ANNEXURES: NIL //TURE COPY// P A TO JUDGE