

Sabu vs State of Kerala

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Court : Kerala

Decided On : Nov-30-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./8588/2021

Appellant : SABU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. TUESDAY,
THE 30TH DAY OF NOVEMBER 2021 / 9TH AGRAHAYANA, 1943
CRIME NO.210 OF 2021 OF OLLUR POLICE STATION, THRISSUR
AGAINST THE ORDER/JUDGMENT IN CRMC 1579/2021 OF
SESSIONS COURT, THRISSUR

PETITIONER/1ST ACCUSED: SABU AGED 25 YEARS, S/O WILLIAMS
KAVALAKKADAN HOUSE, PONNUKKARA P.O, PUTHUR VILLAGE,
THRISSUR TALUK. BY ADVS. PRABHU K.N. MANUMON A.
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM,
PIN - 682031 SREEJA.V- SR.PP THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 30.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Apprehending arrest in connection with Crime No.210/2021 of Ollur Police Station, Thrissur District registered for the offences punishable under Sections 341, 323, 324, 294(b), 506(ii) and 308 r/w Section 34 of the Indian Penal Code, the petitioner has moved this application under Section 438 of the Code of Criminal Procedure.

2. The prosecution allegation is that due to the enmity of

the petitioner as well as the other accused towards the defacto complainant on 27.03.2021 at about 10.00 p.m, had wrongfully restrained and attacked him with deadly weapons and caused injuries to him. The 1st accused attempted to hack him with a sword which was evaded by him but it fell on his forehead and caused injuries. Had it been other wise it would have caused his death.

3. The learned counsel for the petitioner has submitted that due to political vengeance he has been falsely implicated in the case. In fact he is totally innocent.

4. But the learned Public Prosecutor refuted the submission highlighting the criminal antecedents of this petitioner. As on today he is arraigned as accused in eight other cases, apart from this case.

5. It is true that the 2nd accused has been granted pre-

arrest bail by the Sessions Court, Thrissur, taking into consideration of the fact that his complicity in committing the offence is not revealed from the records. But there is specific allegation against this petitioner. Of course the injuries sustained by the defacto complainant are minor in nature. But he is having criminal

antecedents as reported by the learned Public Prosecutor. Therefore, I do not think that this a fit case in which the judicial discretion of this Court can be exercised in favour of the petitioner as requested by him. However, taking into consideration of the fact that the defacto complainant has sustained only minor

injuries, the petitioner is directed to surrender before the investigating officer on 09.12.2021 between 10.00 a.m and 12.00 noon. Upon his surrender, after interrogation and recording his arrest, recovery if any, has to be effected and that has also to be completed on the very same day. Thereafter, he can be released on bail subject to the following conditions:

(i) The petitioner shall be released on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the investigating officer.

(ii) He shall appear before the Investigating Officer for interrogation as and when required by him, in writing.

(iii) He shall co-operate with the investigation and trial of the case.

(iv) He shall not directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(v) He shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE
mpm

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