

Sujin, 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./8982/2021

Appellant : SUJIN,

Respondent : State of Kerala,

Judgement :

BAIL APPL. NO. 8982 OF 2021 1

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 BAIL APPL. NO. 8982 OF 2021 (CRIME NO.2047 OF 2018 OF VIZHINJAM POLICE STATION) PETITIONER/ACCUSED NO.1: SUJIN, AGED 30 YEARS S/O. LORENZ, HOUSE NO. 61/242, KOTTAPPURAM VILLAGE, VIZHINJAM, TRIVANDRUM 695 521. BY ADV M.R.SARIN RESPONDENT/STATE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. OTHER PRESENT: SMT. 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:
BAIL APPL. NO. 8982 OF 2021 2

ORDER

Application for regular bail filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner, who is undergoing incarceration in

connection with crime No.2047/2018 of Vizhinjam Police Station, registered for the offence punishable under Sections 294(b), 341, 506(i), 323, 324, 307 and 395 of the Indian Penal Code, has moved this application for his release on bail under Section 439 of the Code of Criminal Procedure.

3. The petitioner has approached this court on an earlier

occasion with a request for pre-arrest bail in connection with this case and that the application was disposed of by this court directing him to surrender before the Investigating Officer. But, he did not surrender and he was arrested on 12/10/2021.

4. The prosecution allegation is that on 20/12/2018 at about 10.45 p.m, the petitioner along with the other accused due to their enmity towards the defacto complainant hurled abuses to BAIL APPL. NO. 8982 OF 2021 3

him and encircled him with the intention to cause injuries and they have beaten him with a cricket bat and caused injuries to his head. They have also snatched away his gold chain weighing 5 sovereigns and gold ring weighing sovereigns and thereby committed the aforesaid offences.

5. According to the learned counsel for the petitioner, he

has not committed the offences as alleged by the prosecution. In fact he was attacked by the defacto complainant and his friends on 20.12.2018. Then the petitioner's mother had filed a complaint against him before the

Vizhinjam Police Station and a crime was registered as No.44/2019. In that case the accused were granted bail. But in this matter this petitioner is undergoing incarceration for last more than a month.

6. The learned Public Prosecutor submitted that the investigation is progressed.

7. A perusal of the records would reveal that, there is a strong case against this petitioner. The injuries sustained by the defacto complainant in the attack are also revealed from the BAIL APPL. NO. 8982 OF 2021 4

records. The petitioner has no criminal antecedents to his credit. Moreover, though he did not surrender before the Investigating Officer as per the direction of this court, he was arrested only on

on record to show that, further detention is required in the case. Therefore, considering the entire facts and circumstances involved in this case, I think that further detention of this petitioner in judicial custody may not be required for the investigating agency to submit the final report after completion of the investigation. It is also to be noted that the 2nd accused has already been released on bail. Hence, I am inclined to release him on bail subject to the following conditions:

(i) The petitioner shall be released on bail on his

executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) The petitioner shall appear before the Investigating Officer for interrogation as and when required by him, in BAIL APPL. NO. 8982 OF 2021 5 writing.

(iii) The petitioner 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.

(iv) The petitioner shall not commit any offence while on bail. In case of violation of any of the above conditions, the jurisdictional court is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE ska

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