

Bijoy vs the State of Kerala

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Court : Kerala

Decided On : Jan-31-2020

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : Bail Appl./225/2020

Appellant : BIJOY

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
FRIDAY, THE 31ST DAY OF JANUARY 2020 / 11TH MAGHA, 1941 Bail
Appl..No.225 OF 2020 AGAINST THE ORDER/JUDGMENT IN CMP
18588/2019 DATED 28-12- 2019 OF JUDICIAL MAGISTRATE OF
FIRST CLASS -I,THRISSUR CRIME NO.911/2019 OF Pudukkad Police
Station , Thrissur PETITIONER/1ST ACCUSED: BIJOY, AGED 25
YEARS S/O. PAUL, ALAPPATT HOUSE, ANCHERY DESOM, OLLUR
VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT. BY ADV.
SRI.N.L.BITTO RESPONDENT/STATE OF KERALA: THE STATE OF
KERALA REP. BY THE SUB INSPECTOR OF POLICE, PUDUKKKAD
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR, HIGH

COURT OF KERALA AT ERNAKULAM 682 031 OTHER PRESENT: P
P-SRI AMJAD ALI THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 31.01.2020, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: ..2.. -----

ORDER

This is an application for regular bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the first accused in Crime No.

911 of 2019 of Pudukkad Police Station registered for offences punishable under Sections 143, 147, 148, 341, 323, 324, 294(b), 506(ii), 326 and 307 read with Section 149 of the Indian Penal Code. There are altogether five accused in this case. The accusation against the accused is that on

24.12.2019, at about 7.00 p.m., when the de facto complainant and his son were moving through the road near their residence, the accused hit them as also stamped them on account of previous animosity. It is also alleged that when the de facto complainant tried to ward off the aforesaid acts, the second accused hit him on his head with a helmet causing injuries. It is also alleged that when the wife of the de facto

..3.. complainant attempted to ward off the assaults on the de facto complainant and her son, the first accused stabbed on her back using a knife. The petitioner is in custody since 25.12.2019.

3. Heard the learned counsel for the petitioner as also the learned Public Prosecutor.

4. The learned Public Prosecutor submitted that the petitioner is an accused in four similar cases.

5. Having regard to the nature of the allegations

made against the petitioner and the fact that the petitioner is in custody since 25.12.2019, I am inclined to enlarge the petitioner on bail on the following terms:

(i) The petitioner shall execute a bond for a sum of 50,000/- with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(ii) The petitioner shall appear before the

Investigating Officer on all Saturdays between 9.00 a.m. and 10.00 a.m. for a period of two months from the date of release or till final report is filed, ..4.. whichever is earlier.

(iii) The petitioner shall not intimidate or attempt to influence the witnesses nor shall he tamper with the evidence. (iv) The petitioner shall not commit any offence while on bail.

(v) The bail granted to the petitioner is liable to be cancelled if the petitioner indulges in any other offence.

(vi) The petitioner shall not leave the country without the permission of the jurisdictional court. Sd/- P.B.SURESH KUMAR JUDGE ds 31.01.2020

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