

Cleetus vs State of Kerala

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Court : Kerala

Decided On : Oct-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./6325/2020

Appellant : Cleetus

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942
Bail Appl..No.6325 OF 2020 AGAINST THE ORDER/JUDGMENT IN
CMP 2128/2020 DATED 25-09-2020 OF JUDICIAL MAGISTRATE OF
FIRST CLASS, NEYYATTINKARA (TEMPORARY) CRIME
NO.1226/2020 OF Vizhinjam Police Station , Thiruvananthapuram
PETITIONER/S: CLEETUS AGED 50 YEARS, SON OF BENEDICT,
ROSE VILLA, AMBALATHUMoola, ADIMALATHURA, CHOWARA P
O, NEYYATTINKARA, THIRUVANANTHAPURAM, PIN 695501 BY ADV.
SRI.K.RAJESH KANNAN RESPONDENT/S: 1 STATE OF KERALA
STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031 2

STATION HOUSE OFFICER VIZHINJAM POLICE STATION,
VIZHINJAM.P.O., THIRUVANANTAPURAM - 695 521. REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM - 682031 R1 BY PUBLIC PROSECUTOR

OTHER PRESENT: SRI.C.N.PRABHAKARAN SR PP THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 30.10.2020, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: Bail Appl..No.6325 OF 2020 2

O R D E R

Dated this the 30th day of October 2020 Application for regular bail under
Section 439 of Cr.P.C. The applicant is the 1st accused in Crime
No.1226/2020 of Vizhinjam Police Station, Thiruvananthapuram for
having allegedly committed offences punishable under Sections 294(b),
341, 323, 324, 308 and 506 r/w Section 34 of IPC and subsequently
offence under Section s 326 and 307 of IPC have also been
incorporated.

2. The prosecution case, in brief, is that the applicant

along with the 2nd accused in furtherance of common intention assaulted the de
facto complainant's relative, Mr.Salahudeen by means of dangerous weapon like
iron rod, and as a result of which, he sustained a very grave injury and was in
coma for a fairly long time.

3. The intention of the applicant and the co-accused was to commit murder and
thus the applicant was implicated in the

Bail Appl..No.6325 OF 2020

3 crime.

He moved for a

applicant was surrendered on 23.09.2020 and was remanded to judicial custody.
His application for regular bail was dismissed and hence the applicant has
approached this Court for indulgence. It is submitted that the 2 nd accused has
already been granted bail. The applicant has no other criminal antecedents. He is

willing to abide by any conditions, and therefore there is no necessity for further incarceration of the applicant.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The application for bail filed by the applicant was

rejected mainly on the ground that the applicant and the de facto complainant belong to different communities and in case the applicant is released on bail , there is every possibility of communal tension raising in the locality. The applicant has no

other criminal antecedents and the recovery is

alr

incarceration of the applicant in these pandemic times may not be necessary. Particularly the 2nd accused has already been released on bail. To take care of the possibility of communal tension arising in the locality, certain conditions can be imposed. In the result, the Bail Application is allowed and the applicant is directed to be released on bail on execution of bond for Rs. 50,000/-(Rupees fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

(i) He shall appear before the investigating officer on all Mondays between 9 a.m. and 12 noon for a period of three months or till the filing of final report, whichever is earlier.

(ii) He shall surrender his passport before the jurisdictional court, in case he does not have a passport, file an affidavit to that effect.

(iii) He shall not enter the police station limits except for complying condition No.1 for a period of two months.

(iv) He shall not get involved in similar cases during the pendency of the bail, Bail Appl..No.6325 OF 2020 5

(v) He shall not tamper with evidence, intimidate or influence the witnesses . In case of violation of the bail conditions, the prosecution is at liberty to move for

cancellation of the bail before the jurisdictional court. SD/- ASHOK MENON
JUDGE rmm

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