

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

MONDAY, THE 3RD DAY OF APRIL 2023 / 13TH CHAITHRA, 1945

BAIL APPL. NO. 2319 OF 2023

CR.NO.216/2023 OF AYIROOR POLICE STATION

PETITIONER/ACCUSED NO.3:

RENJITH S
AGED 22 YEARS
S/O SAJITHA; RESIDING AT: PUTHENVILA VEEDU,
PALAYMKUNNU, AYIROOR, THIRUVANANTHAPURAM, PIN -
695146

BY ADVS.R.RAJESH (VARKALA)
M.KIRANLAL
MANU RAMACHANDRAN
SAMEER M NAIR
GEETHU KRISHNAN
SAILAKSHMI MENON

RESPONDENT/COMPLAINANT-STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031

SRI .M .P .PRASANTH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
03.04.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER

Dated this the 3rd day of April, 2023

This application is filed under Section 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The applicant is the accused No. 3 in Crime No.216/2023 of Ayiroor Police Station. The offences alleged are punishable under Sections 147, 148, 452, 294(b), 341, 323, 324, 354 read with 149 of the IPC.

3. The prosecution case, in short, is that on 21.2.2023 at 12.30 am, the applicant along with the remaining accused unlawfully assembled and in prosecution of their common object, trespassed into the house of the defacto complainant, assaulted him and his brothers with deadly weapon, with intention to kill them and when the mother of the defacto complainant intervened, he assaulted her also with intent to outrage her modesty and thereby committed the offences.

4. I have heard Sri. Rajesh R., the learned counsel for the applicant and Sri. M.P. Prasanth, the learned Public

Prosecutor. Perused the case diary.

5. The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. The counsel further submitted that no materials are on record to connect the applicant with the alleged crime; hence, he is entitled to get bail. The learned Public Prosecutor, on the other hand, submitted that the alleged incident occurred as a part of the intentional criminal acts of the applicant, and if he is released on bail at this stage, it will affect the course of the investigation.

6. The non bailable offences are Sections 452 and 354 of the IPC. The allegation to attract the offence under Section 354 of the IPC is only against the accused No.1. The overt act alleged against the accused No.1 is that he trespassed into the house of the defacto complainant and assaulted the brothers of the defacto complainant with metal rod. However, he was granted anticipatory bail by the learned Sessions Judge. The applicant has no criminal antecedents. Considering the allegations levelled against the applicant, his custodial

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interrogation does not appear to be necessary. For these reasons, it is a fit case where pre-arrest bail can be granted to the applicant.

In the result, the application is allowed on the following conditions:-

(i) The applicant shall be released on bail in the event of his arrest on executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The applicant shall fully cooperate with the investigation, including subjecting himself to the deemed police custody for discovery, if any, as and when demanded.

(iii) The applicant shall appear before the investigating officer between 10.00 a.m. and 11.00 a.m. every Saturday until further orders. He shall also appear before the investigating officer as and when required.

(iv) The applicant shall not commit any offence of a like nature while on bail.

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(v) The applicant shall not attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The applicant shall not leave the State of Kerala without the permission of the trial Court.

(vii) The application, if any, for deletion/modification of bail conditions or cancellation of bail on the grounds of violating the bail conditions shall be filed at the jurisdictional court.

sd/

DR. KAUSER EDAPPAGATH

JUDGE

kp

B.A.No.2319/2023

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APPENDIX OF BAIL APPL. 2319/2023

PETITIONER ANNEXURES

Annexure A1

A TRUE COPY OF THE FIR IN CRIME NO. 216
OF 2023 OF AYIROOR POLICE STATION
DATED: 21.02.2023