

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 12<sup>TH</sup> DAY OF SEPTEMBER 2023 / 21ST BHADRA, 1945

BAIL APPL. NO. 7342 OF 2023

(CRIME NO.941 OF 2022 OF KUMILY POLICE STATION)

PETITIONER

K P BINU  
AGED 46 YEARS  
S/O PRABHAKARAN, KEENTHANANICKAL HOUSE, VELLARAMKUNNU  
P O, KUMILY -, PIN - 685509  
BY ADVS.  
S.RAJEEV  
V.VINAY  
M.S.ANEER  
SARATH K.P.  
PRERITH PHILIP JOSEPH  
ANILKUMAR C.R.  
K.S.KIRAN KRISHNAN

RESPONDENT

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF  
KERALA, PIN - 682031
- 2 STATION HOUSE OFFICER, KUMILY POLICE STATION,  
CRIME NO.941 OF 2022 OF KUMILY POLICE STATION.  
IDUKKI DISTRICT

OTHER PRESENT:

SRI.P.G.MANU (MAMALASSERY) , SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
12.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**MOHAMMED NIAS C.P, J.**

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**B.A. No. 7342 of 2023**  
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**Dated this the 12<sup>th</sup> day of September , 2023.**

**ORDER**

This application is filed under Section 438 of the Code Criminal Procedure seeking anticipatory bail.

2. The prosecution allegation is that a boy aged 10 years got electrocuted on 15.12.2022 at 2.30 p.m and the deceased is the son of the petitioner's sister and thereby an offence under Section 304 of IPC is charged against the petitioner.

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

4. Taking into account the report filed by the Electrical Inspection in which the mother of the deceased had stated that due to previous day's rain, the terrace was filled with water and there was an attempt by the deceased to drain out the water using a dustpan. As a result, the deceased came into contact with a live service wire and and thus the incident occurred. The child was taken to hospital immediately, but succumbed to death.

Considering the accusations levelled against the petitioner and also the statement of the mother of the deceased as stated above, I am inclined to grant anticipatory bail to the petitioner on conditions without hindrance to enable a proper investigation.

6. Accordingly, this application is disposed of with the following directions:

1. The petitioner shall surrender before the Investigating Officer within a period of two weeks from today for subjecting himself to interrogation.
2. After interrogation, the petitioner shall be released on bail on the very same day of surrender upon the petitioner executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum, to the satisfaction of the Investigating Officer.
3. The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for three days between 9.00 a.m and 5.00 p.m on days directed by the investigating officer for the purpose of recovery, if any.

4. The petitioner shall appear before the Investigating Officer as and when required.
5. The petitioner shall not commit any offence of similar nature while on bail.
6. The petitioner shall not make any 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.
7. The petitioner shall not leave India without the permission of the Jurisdictional Court.
8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law.

Sd/-

**MOHAMMED NIAS C.P**

**JUDGE**

smm

APPENDIX OF BAIL APPL. 7342/2023

PETITIONER ANNEXURES

Annexure I	A COPY OF THE ORDER PASSED BY COURT OF SESSIONS, THODUPUZHA DATED 18.08.2023 IN CRL MC NO 657/2023
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