

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 19<sup>TH</sup> DAY OF SEPTEMBER 2023 / 28TH BHADRA, 1945

BAIL APPL. NO. 7402 OF 2023

CRIME NO.2208/2023 OF Palluruthy Police Station, Ernakulam

**PETITIONER/ACCUSED:**

SREEJITH K.P, AGED 30 YEARS,  
S/O BABU, CHAMUNDIKKAL HOUSE,  
WEST SIDE OF SBI BANK,  
KUMBALANGI SOUTH, ERNAKULAM.  
KERALA, PIN - 683507

BY ADVS.

K.R.VINOD

M.S.LETHA

MOHAMMED RAZALI K.A

CHITHRA C.EDADAN

ANUROS MARTIN

JOHN TONY AKKARA

NABIL KHADER

**RESPONDENT/COMPLAINANT & STATE:**

STATE OF KERALA

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

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

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
19.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**MOHAMMED NIAS C.P.J**

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**BA No.7402 of 2023**

.....

**Dated this the 19<sup>th</sup> day of September, 2023**

**ORDER**

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.

2. The petitioner is the accused in Crime No.2208/2023 of Palluruthy Police Station, Ernakulam, for having committed offences punishable under Section 304 of the Indian Penal Code.

3. The allegation against the petitioner is that, on 06.08.2023 at about 10.15 a.m., the petitioner, being the driver of KL-40-189 private passenger bus, drove the same in a rash and negligent manner from the Thoppumpady-Perumpadappu route and hit Mr Raju and his wife who were riding in a scooter bearing No.KL-43-H-2430, as a result of the accident, sustained serious injuries, and later, Mr Raju succumbed to death, thus committing the above offence.

4. The learned counsel appearing for the petitioner would say that the petitioner is totally innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner has been in custody since 06/08/2023, and continued custody of the petitioner is unnecessary.

5. The learned public prosecutor opposed the petition.

6. After having considered the submissions of the learned counsel for the petitioner and learned Public Prosecutor and considering the nature of the allegations against the petitioner, the fact that he has been in custody since 06/08/2023, that no apprehension being raised by the prosecution that if released on bail the petitioner is likely to abscond, that no other criminal antecedents have been reported against the petitioner, I am inclined to grant bail under such circumstances. Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

- (i) The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;
- (ii) The petitioner shall report before the Investigating Officer every Saturday between 9 a.m. and 10 a.m. till the final report is laid;

(iii) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses;

(iv) The petitioner shall not be involved in any other crime while on bail.

(v) If any of the conditions are violated, the court concerned will be empowered to take steps for cancellation of bail as per law.

**Sd/- MOHAMMED NIAS C.P.**  
**JUDGE**

dlk 19.9.2023

**APPENDIX OF BAIL APPL. 7402/2023**

**PETITIONER'S ANNEXURES:**

Annexure A1	THE COPY OF FIR IN CRIME NO. 2208/2023 OF PALLURUTHY POLICE STATION
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