

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

FRIDAY, THE 12<sup>TH</sup> DAY OF JANUARY 2024 / 22ND POUSHA, 1945

BAIL APPL. NO. 10666 OF 2023

CRIME NO.1230/2023 OF Chadayamanagalam Police Station, Kollam

AGAINST THE ORDER/JUDGMENT Bail Appl. 8260/2023 OF HIGH COURT OF  
KERALA

**PETITIONER/ACCUSED:**

BINU THANKACHAN,  
AGED 46 YEARS  
S/O. KOSHI, SALEM HOUSE, AKAMAN, AYROOR MURI,  
EDAMULACKAL VILLAGE, AYROOR POST, KOLLAM, PIN - 691523

BY ADV VINOD VALLIKAPPAN

**RESPONDENT/STATE:**

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

BY ADVS.  
PUBLIC PROSECUTOR  
ADDL.DIRECTOR GENERAL OF PROSECUTION  
ADDL. STATE PUBLIC PROSECUTOR

**OTHER PRESENT:**

SR.PP-SRI.C.K.SURESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
12.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ORDER**

This is an application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 filed by the sole accused in Crime No.1230/2023 of Chadayamangalam Police Station, Kollam, registered under Sections 302 of IPC.

2. The prosecution case is that, on 27/8/2023 at around 7.30 pm, the petitioner committed murder of his wife by strangulation.

3. Heard learned counsel for the petitioner and learned Public Prosecutor.

4. Learned Public Prosecutor opposed the bail application.

5. The petitioner was arrested and remanded to judicial custody on 27/8/2023. This Court as per order dated 22/12/2023 granted interim bail to the petitioner on the following terms:-

*(i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh 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 in Crime No.1230/2023 of Chadayamangalam Police Station, Kollam district as and when summoned to do so;*

*(iii) The petitioner shall not attempt to influence or*

*intimidate the defacto complainant or any witness in Crime No.1230/2023 of Chadayamangalam Police Station, Kollam district;*

*(iv) The petitioner shall not involve in any other crime while on bail.*

*If any of the aforesaid conditions are violated, the Investigating officer in Crime No.1230/2023 of Chadayamangalam Police Station, Kollam district may file an application before the jurisdictional Court for cancellation of bail.*

6. On 9/1/2024, when this matter was taken up for consideration, this Court wanted to ascertain, as to where the petitioner has to stay, if he is released on bail, and if his son, who is the sole eye witness in that case can stay with him, as he is the material witness for the prosecution etc. Today the son of the petitioner, aged 17, who is CW1 in SC No.1693/2023 appeared before this Court, as directed. Now, the boy is staying with the brother of the petitioner at Thiruvananthapuram, and he has no ill will towards the petitioner.

In the above circumstances, this court is inclined to make the interim bail granted to the petitioner on 22/12/2023

absolute, retaining all the conditions mentioned therein.

This bail application, accordingly stands allowed.

Sd/-

**SOPHY THOMAS**  
**JUDGE**

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**APPENDIX OF BAIL APPL. 10666/2023**

**PETITIONER ANNEXURES**

Annexure-A1 A TRUE COPY OF THE ORDER DATED 5.9.2023 IN  
C.M.P.NO.3987/2023 IN THE COURT OF THE JUDICIAL  
FIRST CLASS MAGISTRATE, KADAKKAL.

Annexure-A2 A TRUE COPY OF THE ORDER DATED 9.11.2023 IN  
B.A.NO.8260/2023 PASSED BY THE HON'BLE HIGH COURT.

Annexure-A3 A TRUE COPY OF THE ORDER DATED 17.11.2023 IN  
CRL.M.C.NO.2410/2023 IN THE COURT OF THE SESSIONS  
DIVISION, KOLLAM.