

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl..No. 1403 of 2015

**CRIME NO. 874/2014 OF VITHURA POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER(S)/ACCUSED :

**ARUN S. KARAYIL, AGED 27 YEARS,
S/O.SURENDRAN ASSARY, PARAVILAKATHU PUTHEN VEEDU,
MANNOORKONAM, 16TH STONE, KARIPOOR VILLAGE,
(FROM MEKKUMKARA VEEDU, MANALAYAM, THOLICODE VILLAGE)
NEDUMANGAD TALUK, THIRUVANANTHAPURAM DISTRICT, PIN- 695 541.**

BY ADV. SRI.R.B.RAJESH

RESPONDENT(S)/STATE :

**THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

B.KEMAL PASHA, J.

.....
B.A. No.1403 OF 2015

.....
Dated this the 18th day of March, 2015

ORDER

Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.874/2014 of the Vithura Police Station, Thiruvananthapuram registered for the offences punishable under Sections 324 and 306 of the Indian Penal Code.

3. The allegation against the petitioner is that on 17.10.2014 at 5 pm, the petitioner, who is the son of the deceased, severely beat the deceased with a wooden reaper on his face, head, back and legs thereby causing a series of injuries all over his body. As he could not withstand the harassment, he has chosen to commit suicide and, after preparing suicide note, he committed suicide by hanging.

The petitioner has been in custody for the period from 25.02.2015 onwards.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor. Perused the CD.

5. The postmortem certificate of the deceased speaks volumes regarding the incident. In fact, he has sustained 34 ante-mortem injuries on account of the severe attack on his body; at the same time, no grievous hurt was found. The suicide note, *prima facie*, reveals that he has committed suicide. The learned counsel for the petitioner has pointed out that the mother of the petitioner, who is the wife of the deceased, is mentally ill and there is nobody to look after and maintain her. Considering the said fact, I am of the view that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of

the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 25.03.2015 for a period of six months.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge