IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

Bail Appl..No.8132 OF 2020

CRIME NO.233/2020 OF PINARAYI POLICE STATION, KANNUR , Kannur

PETITIONER/ACCUSED:

RAHUL SATHEESAN
AGED 28 YEARS
THUSHARAM,KELOTH,PINARAYI,KANNUR DITRICT.
KANNUR, PIN-670741

BY ADV. SRI.D.ARUN BOSE

RESPONDENT/:

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

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.RENJITH.T.R., PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

B.A.No.8132 of 2020

Dated this the 14th day of December, 2020

O R D E R

This Bail Application filed under Section 438 of Criminal Procedure Code was heard through Video Conference.

2. The petitioner is the first accused in Crime No.233 of 2020 of Pinarayi Police Station. The above case is registered against the petitioner and others alleging offences punishable under Sections 448, 341, 323, 324, 326 & 427 r/w Section 34 of the IPC.

3. The prosecution case is that on 15.8.2020 at about 7 hours, the accused trespassed into the house of the brother of the defacto complainant and the first accused beat the brother of the defato complainant. While interfering in the said transaction, the defacto complainant and her mother also sustained injury and thereby committed the offences.

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

5. The counsel for the petitioner submitted that the allegations against the petitioner is not correct. There are several litigations between the petitioner and the defacto complainant. There is a dispute about a pathway and several cases are registered between the parties. This is a false case foisted against the petitioner. The counsel submitted that there is a counter case also. The counsel also submitted that the petitioner is ready to abide any conditions if this Court grant him bail.

6. The Public Prosecutor seriously opposed the bail application. But the Public Prosecutor submitted that the investigation in this case is over and a final report is already filed before the Additional Chief Judicial Magistrate Court, Thalassery.

7. After hearing both sides, I think this bail application can be allowed on stringent conditions.

Admittedly, the investigation in this case is over and final report is filed. In such circumstances, there can be a direction to the petitioner to surrender before the court concerned and the court concerned can be directed to release the petitioner on conditions. Considering the entire facts and circumstances, I think this bail application can be disposed of with the following directions:

(i) The petitioner shall surrender before the jurisdictional court within 10 days from today.

(ii) If the petitioner surrender before the jurisdictional court, within ten days, the jurisdictional magistrate will release the petitioner on bail on executing a bond for Rs.50,000/- with two solvent sureties for the like sum to the satisfaction of the court.

(iii) The learned magistrate is free to impose any other conditions, necessary, in the light of the facts and circumstances of the case.

P.V.KUNHIKRISHNAN, JUDGE

al/-