IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 15TH DAY OF DECEMBER 2020 / 24TH AGRAHAYANA, 1942

Bail Appl..No.8148 OF 2020

CRIME NO.3038/2020 OF Kollam East Police Station , Kollam

PETITIONER/S:

VINOD
AGED 38 YEARS
S/O RAJU,
THANKAMMA BHAVAN, UDAYAMARTHANDAPURAM CHERRY,
MUNDAKKAL VILLAGE
691010

BY ADV. SRI.M.T.SURESHKUMAR

RESPONDENT/S:

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

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.E.C.BINEESH-PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 15th day of December 2020

Application for regular bail under Section 439 of Cr.P.C.

The applicant is the 1st accused in Crime No.3038/2020 of Kollam East Police Station, for having allegedly committed offences punishable under Sections 294(b), 324, 326 and 308 r/w Section 34 of IPC.

2. The prosecution case, in brief, is that on 11.10.2020 at about 10.30 p.m. in front of the yard of the residence of the de facto complainant, the applicant along with the other co-accused hurled abuses at the de facto complainant and thereafter assaulted him with iron rod and a wooden stick and also stabbed with a knife.

3. The applicant was arrested on 17.10.2020 and has been in custody since then. He had approached the Sessions Court twice for bail and twice it was rejected, mainly for the reason that the applicant is a person having criminal antecedents. The details of the antecedents are he is involved in 15 other crimes. Ranging from offences punishable under Sections 323 to 308 of IPC. The applicant states that all those antecedents were the incidents which took place more than

three years ago and that he has no recent antecedents of any crime. The present incident has been settled with the de facto complainant and they are relatives and neighbours. Under the circumstances, the applicant seeks regular bail. He has been in custody for 59 days now.

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

5. The applicant has been subjected to custodial interrogation and he has been in custody for about two months. The applicant was having criminal antecedents that is the main reason while his earlier bail application was rejected by the Sessions Court. But, I see that most of the crimes are of the years 2013, 2014, 2015, 2016 and 2017. Subsequent to 2017, he has only been involved in the present crime. Apart from two crimes under Section 308, all other offences are not so grave. The applicant has been in custody for a fairly long time, further incarceration of the applicant may not be necessary for any purpose. However, considering the antecedents of the applicant, stringent conditions can be imposed. I don't find any reason to decline bail to him, particularly, in view of the fact that the de facto complainant

has not sustained any life threatening injuries.

In the result, the application is allowed. The applicant is directed to be released on bail on execution of bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on following conditions:-

(i) He shall appear before the investigating officer on all Saturdays between 9 a.m. and 12 noon for a period of two months or till the filing of final report, whichever is earlier.

(ii) He shall not get involved in similar cases during the currency of the bail.

(iii) He shall not tamper with evidence, intimidate or influence the witnesses .

In case of violation of the bail conditions, the prosecution is at liberty to move for cancellation of the bail before the jurisdictional court.

Sd/-

ASHOK MENON

JUDGE

rmm