

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH

FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943

Bail Appl..No.3404 OF 2021

CRIME NO.212/2021 OF CHERPU POLICE STATION , THRISSUR

PETITIONER/1st ACCUSED:

AKSHAY SURESH
AGED 18 YEARS
PUTHENPURAKKAL HOUSE P O AMMADAM PARALAM VILLAGE
THRISSUR DISTRICT
680563

BY ADVS.
SRI.M.R.VENUGOPAL
SMT.DHANYA P.ASHOKAN

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA , ERNAKULAM
682031
- 2 THE SUB INSPECTOR OF POLICE,
CHERPU POLICE STATION, THRISSUR

BY PUBLIC PROSECUTOR SRI. M.R. DHANIL

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of April 2021

This is an application filed u/s 439 of Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused No.1 in Crime No.212/2021 of Cherpu Police Station, Thrissur. The offences alleged are under Sections 143, 147, 148, 341, 323, 294(b), 506(ii), 324 and 307 r/w Section 34 of IPC.

3. The prosecution case in short is that the petitioner along with the remaining accused on 2/04/2021 at 5.15 p.m. wrongfully intercepted the bus viz., Bhuvaneswaryamma with a motor cycle bearing Regn.No.KL-41 3581, abused the driver in a filthy language, pushed the driver out of the bus and stabbed him with a knife on his chest and stomach and further kicked the defacto complainant when he intervened and attempted to save the driver and thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioner with the alleged crime and hence he is entitled

to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course of investigation.

6. Perusal of the case diary would reveal that *prima facie* there are materials on record to connect the petitioner with the crime. However, the petitioner was remanded to judicial custody on 8/4/2021. In view of the nature of the crime and the stage of investigation, I do not find any reason to hold that the continued detention of the petitioner is required for any purpose. The investigation seems to have reached a fair stage. For all these reasons, the petitioner is entitled to be released on bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail on 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 jurisdictional Magistrate/Court.

(ii) The petitioner shall fully co-operate with the investigation.

(iii) The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer

as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court.

sd/-

DR. KAUSER EDAPPAGATH

JUDGE

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True copy

P.A. To Judge