

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943

BAIL APPL. NO. 594 OF 2022

Crime No.30/2022 of Chadayamangalam Police Station

PETITIONER/1st ACCUSED:

SATHEESHKUMAR@PATTALAM SATHEESHAN
AGED 52 YEARS, S/O. NARAYANAPILLAI,
PULITHITTA VEEDU, KULANJI, ELAMADU VILLAGE
KOLLAM, PIN - 691533

BY ADVS.
C.R.SIVAKUMAR
MINI.M.NAIR
BINI.K
C.B.BHAGYALEKSHMY

RESPONDENTS/COMPLAINANT & STATE:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN - 682031
- 2 THE STATION HOUSE OFFICER
CHADAYAMANGALAM POLICE STATION, CHADAYAMANGALAM PO,
KOLLAM DISTRICT, KOLLAM, PIN - 691534

BY ADV PUBLIC PROSECUTOR

OTHER PRESENT:

SRI. NOUSHAD K.A. (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the 2nd accused in Crime No.30/2022 of Chadayamangalam Police Station, Kollam District alleging commission of offences under Sections 294 (b), 324, 326, 307 read with 34 of the Indian Penal Code.

2. The allegation against the petitioner is that the petitioner together with the 1st accused in the case had grievous hurt the husband of the *de facto* complainant with a wooden reaper and thereby they committed the offences alleged against them.

3. The learned counsel for the petitioner submits that thrust of the allegation is against the 1st accused and not against the petitioner/2nd accused. It is submitted that the place of incident is the house of the petitioner/2nd accused and on account of some disagreement between the 1st accused and the *de facto* complainant, the 1st accused had (even going by the contents of the First Information Statement) repeatedly hit the husband of the *de facto* complainant resulting injuries to him. It is submitted that the petitioner had actually attempted to dissuade the 1st accused and the husband of the *de facto* complainant from fighting with each other and he also came to be arrayed as an accused in this case.

4. The learned Public Prosecutor on instructions would submit that the allegations against the petitioner are serious. With reference to the wound certificate in respect of the husband of the *de facto* complainant, it is

submitted that there are serious internal injuries to Pancreas, Kidneys, Liver of the husband of the *de facto* complainant. It is submitted that the petitioner has criminal antecedents and there is an earlier case alleging commission of offence punishable under Section 302 IPC and another case under Section 308 of the IPC against the petitioner. It is submitted that the petitioner is not entitled to be released on bail.

5. In respect of offence alleged against him under Section 302 of the IPC, the allegation against the petitioner is that while he was working in abroad he had been instrumental in inducing the wife of the deceased to murder the deceased in that case. Regarding the case registered under Section 308 of IPC it is submitted that the said case has been filed at the instance of the daughter of the petitioner and the same has been settled. It is also submitted that the petitioner has been in custody since 06-01-2022 and his continued detention is not necessary for the purpose of any investigation.

6. Having regard to the facts and circumstances of the case and I am convinced that the continued detention of the petitioner may not be necessary for the purpose of investigation into Crime No.30/2022 of Chadayamangalam Police Station. I also take note of the fact that the petitioner is a 52 year old man and his detention may not be conducive in the present COVID 19 situation, I am therefore, inclined to grant bail to the petitioner.

In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand 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.30/2022 of Chadayamangalam Police Station on every Saturday at 11 a.m until filing of final report in the aforesaid crime;
- (iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the *de facto* complainant or any witness in Crime No.30/2022 of Chadayamangalam Police Station;
- (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.30/2022 of Chadayamangalam Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/-
GOPINATH P.
JUDGE

AMG

APPENDIX OF BAIL APPL. 594/2022

PETITIONER ANNEXURES

Annexure1 COPY OF THE FIR IN CR NO 30/2022

Annexure A2 THE TRUE COPY OF THE ORDER IN CMP NO. 32/2022 AND
THE SAME WAS DISMISSED ON 13/01/2022