

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 30<sup>TH</sup> DAY OF DECEMBER 2022 / 9TH POUSHA, 1944

BAIL APPL. NO. 10540 OF 2022

CRIME NO.1709/2022 OF Karunaagapally Police Station, Kollam  
AGAINST THE ORDER/JUDGMENTCMP 3941/2022 OF JUDICIAL MAGISTRATE OF  
FIRST CLASS - I, KARUNAGAPPALLY

**PETITIONER/ACCUSED:**

BALU, AGED 34 YEARS  
S/O BABU, KULACHIRA VEEDU,  
PURAKKADU CHERI, AMPALAPPUZHA VILLAGE,  
NOW RESIDING AT VRINDAVANAM VEEDU,  
KALARIVATHUKKAL MURI,  
KULASEKHARAPURAM VILLAGE,  
KOLLAM, KERALA, PIN - 690544  
BY ADV M.R.SASITH

**RESPONDENT/S:**

STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,  
PIN - 682031  
BY ADV.NIMA JACOB, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
30.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.G. AJITHKUMAR, J.**

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**B.A.No. 10540 of 2022**  
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**Dated this the 30<sup>th</sup> day of December, 2022**

**O R D E R**

This is an application for bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. The petitioner is the sole accused in Crime No.1709 of 2022 of Karunagappally Police Station. He allegedly had committed the offences punishable under Sections 447, 294(b), 324 and 308 of the Indian Penal Code, 1860.

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

4. The prosecution allegation is that, on 16.12.2022, at 11.30 PM, the accused, due to some previous enmity towards the *de facto* complainant, trespassed into her residential compound and used abusive language against her husband. The petitioner tried to stab with a sword on the neck of the husband of the *de facto* complainant. If the above attack was not warded off by the *de facto* complainant, it would have resulted in his death. Thus, the petitioner has committed the

offences alleged against him.

5. The petitioner would contend that he did not involve in the alleged crime and without any material or evidence, he has been implicated in the crime. He is innocent. The investigation in the matter has been progressed considerably and there is no reason or justification for his further detention.

6. The learned Public Prosecutor would submit that considering the seriousness of the offence and the possibility of interfering with the investigation by the petitioner in the event of his release on bail, this petition deserve only to be dismissed.

7. The petitioner has been in judicial custody since 18.12.2022. Having heard the learned counsel appearing for the petitioner and the learned Public Prosecutor, and considering the nature and gravity of the offence, further detention of the petitioner is unnecessary. I am therefore of the view that the petitioner is entitled to be released on bail.

In the result, the bail application is allowed and the petitioner is granted bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the learned Magistrate, subject to the following conditions:

- (i) He shall not influence or intimidate witnesses or

tamper with evidence;

(ii) He shall appear before the investigating officer as and when called for; and

(iii) During the bail period, he shall not get involved in any offence.

In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court.

**Sd/-**  
**P.G. AJITHKUMAR**  
**JUDGE**

ajt