

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA, 1945

BAIL APPL. NO. 7929 OF 2023

CRIME NO.1927 OF 2023 OF PALARIVATTOM POLICE STATION,
ERNNAKULAM

PETITIONER/ACCUSED:

ABHIJITH.B., AGED 21 YEARS
S/O BIJU, KRISHNA BHAVANAM, MATTOM SOUTH,
THATTARAMBALAM.P.O., MAVELIKKARA,
ALAPPUZHA, PIN - 690103

BY ADVS.
A.RAJASIMHAN
VYKHARI.K.U
SHARAFUDHEEN M.K.

RESPONDENT/S]COMPLAINANT & STATE :

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

SR.PP- SMT.T.V.NEEMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

MOHAMMED NIAS C.P.J

.....

BA No.7929 of 2023

.....

Dated this the 30th day of September, 2023

ORDER

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

2. The petitioner is the accused in Crime No. 1927/2023 of Palarivattom Police Station, Ernakulam District, for having allegedly committed an offence punishable under Section 306(I)(c) MA of Police Standing Order and later incorporated the offence under Section 304 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner committed drunken driving in a Maruti Swift Car bearing No.KL 31 R 2149 hit a cycle rider aged 60 years at 10.15 p.m. on 22.8.2023 in the U-turn in front of Metro Station, Stadium Junction and caused his death, and thereby committed the above offence.

4. The learned counsel appearing for the petitioner would say that the petitioner is innocent and falsely implicated with ulterior motives. At any rate, he points out that the petitioner is in custody from 23/08/2023, and continued custody of the petitioner is unnecessary.

5. The learned Public Prosecutor opposed the petition.

6. After having considered the submissions of the learned counsel for the petitioner and the learned Public Prosecutor, the accusations against the petitioner, taking into account the fact that the accident occurred when the petitioner took a U-turn and that one more vehicle was involved in this case, and the fact that he has been in custody since 23/08/2023, that there is no apprehension raised by the prosecution that if released on bail, the petitioner is likely to abscond I hold that bail can be granted to the petitioner. Accordingly, this application is allowed, and the petitioner is granted bail subject to the following conditions:-

1. The petitioner shall be released on bail on executing a bond for Rs.50000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional court;

2. He shall appear before the Investigating Officer on all Saturdays between 9 a.m. and 11 a.m. for three months or as and when directed to appear.
3. He shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence or do anything that might adversely affect the trial;
4. He shall not commit any offence while on bail;
5. He shall not leave the State of Kerala without the permission of the Court having jurisdiction;
6. He shall not leave India without the permission of the jurisdictional Court and, if he has a passport, shall deposit the same before the Trial Court within a week. If the release of the passports is required at a later period, the petitioner shall be at liberty to move an appropriate application for the same before the Court having jurisdiction.
7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail and pass appropriate orders in accordance with law.

Sd/-**MOHAMMED NIAS C.P.**

JUDGE

APPENDIX OF BAIL APPL. 7929/2023

PETITIONER'S ANNEXURES

Annexure A1	TRUE COPY OF THE FIR NO. 1927 OF 2023 OF PALARIVATTOM POLICE STATION
Annexure A2	PHOTOGRAPHS OF THE VEHICLE BEARING NO. KL 43 M 3930.
Annexure A3	TRUE COPY OF THE ORDER IN CRLMP NO. 4143 OF 2023 25-8-2023 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-IX, ERNAKULAM