

IN THE COURT OF THE II ADDL. SESSIONS JUDGE, KOLLAM.

Present: Sri. Roy Varghese, Addl. Sessions Judge-II, Kollam.

Monday, the 5th day of December, 2022/ 14th Agrahayana, 1944 SE.

Crl.M.C. No.2456 /2022

Crime No.1329/2022 of Kannanalloor Police Station

Petitioner : Abi Jesudas, Aged 38 Years,
S/o.G.Jesudas, Abel Villa,
Perumpuzha.P.O, Kollam – 691504.

By Adv. Sri. Arun Shibu.F

Respondent : State of Kerala represented by the S.H.O,
Kannanalloor Police station through the Public
Prosecutor, Kollam.

Read the Crl. M.C. No.2456/2022 put in by the advocate for the petitioner praying to enlarge the petitioner on bail U/s. 439 Cr.P.C.

Heard, perused the records and passed the following:-

ORDER

This is an application for regular bail filed by the 2nd accused u/S. 439 of Cr.P.C. charged with offences punishable u/Ss. 323, 324, 294(b) & 308 r/w Sec.149 of IPC in the Crime No.1329/2022 of Kannanalloor police station.

2). The prosecution allegation is that on 23-11-2022 at 08.30 p.m., the accused persons 1 to 7 hurling obscenities beat on the head of the defacto complainant with an iron rod and stamped on his chest and also beat him with a stick, hacked on his left knee, caused serious injuries in an attempt to cause his death and also beat his wife and son while intervened to save him, thereby the accused persons are alleged to have committed the above mentioned offences. The 2nd accused was arrested on 24-11-2022, produced before the Judicial First Class Magistrate's Court -II, Kottarakkara and remanded.

3). By this petition the 2nd accused seeking bail, submitting that the investigation is almost completed and his further custody is not needed. He is innocent of the allegations levelled against him and it would be revealed on trial. In fact, the defacto complainant and other members of RSS wrongfully restrained this petitioner and assaulted himself and his associates. The petitioner and his associates suffered injuries and hospitalised. The medical records produced. He was arrested on 24-11-2022. It is also undertaken that he is willing to abide by any conditions stipulated.

4). The learned Public Prosecutor filed a report opposing the bail application stating that the petitioner may abscond from the process of the Court

if bail granted. There is also possibility of influencing the witnesses and tampering with the evidence. He has committed series offences and sought for dismissal of the petition. Law and Order situation is prevailing in the locality as there is communal violence.

5). Heard both sides and perused the records. The report reveals the accused interrogated. The weapons alleged to have used for the commission of the crime and the vehicles involved have been recovered. The treatment records received. The investigation of the case is in progress.

6). The petitioner is already in custody since 24-11-2022 and have completed nearly 11 days. There is no criminal antecedents against this petitioner.

7). The custody of the petitioner not necessary for the trial of the case. A person cannot be kept in judicial custody as a matter of punishment, before trial. Accused person cannot be kept in custody as a matter of punishment without full trial. All the allegations leveled are subject to judicial adjudication.

8). The report of the investigating officer shows there is communal violence and hence Law and Order situation prevailing in the locality. The

objection by the prosecution that the petitioner may repeat the offence, abscond and attempt to tamper with the evidence are just and reasonable. However, strict conditions can be imposed for ensuring his attendance and presence during trial. Accordingly, bail can be granted on conditions.

In the result, this application for bail is allowed and the petitioner/ 2nd accused shall be enlarged on bail by the Judicial First Class Magistrate's Court - II, Kottarakkara or any other Magistrate concerned, the petitioner executing bond for ₹.50,000/-, with two solvent sureties each for the like sum to the satisfaction of the Magistrate. This bail is granted subject to the following conditions:-

(i) The petitioner/ 2nd accused shall co-operate with the investigation of the case and shall report before the investigating officer on every Saturdays in between 09.00 a.m. and 11.00 a.m., commencing from 10-12-2022, till the final charge sheet is laid.

(ii) The petitioner/ 2nd accused shall not threaten or influence the witnesses or tamper with the evidences of the crime.

(iii) He shall not involve in any similar offences while on bail.

Bail granted accordingly.

(Dictated to the Confidential Assistant, typewritten by her in the computer, corrected and pronounced in the Open Court by me on the 5th day of December, 2022).

Sd/-
Roy Varghese,
Addl. Sessions Judge-II

Copy to : 1) The JFMC-II, Kottarakkara
2) The S.H.O, Kannanalloor P.S

//True copy//

Sheristadar

Typed by : Asha Joseph
Compared by : Latha.L