



2023/KER/64846

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS  
WEDNESDAY, THE 25<sup>TH</sup> DAY OF OCTOBER 2023 / 3RD KARTHIKA, 1945  
BAIL APPL. NO. 8308 OF 2023  
IN CRIME NO.145/2022 OF KOTTAYI POLICE STATION, PALAKKAD  
DISTRICT

**PETITIONER/SOLE ACCUSED:**

MUKESH,  


BY ADV.  
V.A.JOHNSON (VARIKKAPPALLIL)

**RESPONDENTS/COMPLAINANT:**

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

2 RESHMA  


BY ADV.  
K.AMMINIKUTTY, SENIOR PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
25.10.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



-:2:-

**BECHU KURIAN THOMAS, J.**

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**B.A.No.8308 of 2023**

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*Dated this the 25<sup>th</sup> day of October, 2023***ORDER**

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

2. Petitioner is the accused in Crime No.145/2022 of Kottayi Police Station, Palakkad District, which is now pending consideration as S.C.No.1082/2022 on the files of the Additional Sessions Court-III, Palakkad.

3. According to the prosecution, the accused, due to an enmity for rejecting his marriage proposal by the victim, attacked her on 15.04.2022 with a chopper, explosives and petrol and even destroyed the window glasses and set fire to the kitchen by pouring petrol. On hearing the hue and cry, when parents and brother of the victim came out of the house, he attacked them ruthlessly, causing injuries to the victim as well as her parents and brother. In the attack, the victim lost four fingers of her right hand and the accused thereby committed the offences punishable under Sections 447, 341, 326, 307, 436 and 427 of the Indian Penal Code, 1860, apart from Section 27 of the Arms Act, 1959 and Section 9B(1)(b) of the of the Explosives Act, 1884.



4. Sri. V.A.Johnson, the learned counsel contended that, petitioner has been in custody since 28.06.2022, and having regard to the long period of detention already undergone, he ought to be released on bail.

5. Smt. K.Amminkutty, the learned Senior Public Prosecutor on the other hand opposed the application and contended that, this Court had, on an earlier occasion rejected the bail application noticing the serious threat to the victim and also taking note of the nature of injuries inflicted. It was further pointed out that, there is every chance of the petitioner absconding as he had done earlier, and therefore, bail ought not be granted. The Prosecutor also submitted that, notice has been served on the victim as directed by this Court on 17.10.2023.

6. Petitioner is alleged to have attacked the victim for rejecting his marriage proposal. Due to the attack, the victim lost four fingers. Petitioner has also set fire to the kitchen of the house of the victim and even attacked her parents and her brother. No doubt, the offences alleged are very serious. Fearing further attack from the petitioner it is alleged that victim has even left Kerala and is residing at some other place.

7. Petitioner was arrested on 28.06.2022 and has been in jail since then. Though the allegations are serious in nature and the



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petitioner has a history of having absconded earlier, I am of the view that, considering the long period of detention already undergone, further detention would amount to conviction without trial. Since, it is submitted that, the case is already pending before the Sessions Court and is posted for hearing of the charge on 15.11.2023, I am of the view that, further detention ought not to be permitted. However, strict conditions should be imposed.

Accordingly, this application is allowed on the following conditions:-

- a) *Petitioner shall be released on bail on him executing a bond for Rs.1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum to the satisfaction of the Trial Court.*
- b) *Petitioner shall participate in the trial and appear before the Trial Court on every posting date.*
- c) *Petitioner shall not leave Kerala until conclusion of trial.*
- d) *Petitioner shall appear before the Investigating Officer on every alternative Saturday commencing from 04.11.2023, until conclusion of the trial.*
- e) *Petitioner shall not intimidate or attempt to influence or contact the witnesses; nor shall he attempt to tamper with the evidence.*



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f) Petitioner shall not commit any offence while he is on bail.

In case of violation of any of the above conditions, the Trial Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

Sd/-

**BECHU KURIAN THOMAS  
JUDGE**

jka/25.10.23.



**APPENDIX OF BAIL APPL. 8308/2023**

**PETITIONER'S ANNEXURES**

- Annexure 1                    TRUE      COPY      OF      THE      ORDER      IN  
CRL.M.C.NO.2550/2023 OF THE COURT OF  
ADDITIONAL SESSIONS JUDGE-III, PALAKKAD  
DATED 05.08.2023
- Annexure A2                    TRUE      COPY      OF      THE      ORDER      IN  
B.A.NO.8537/2022 OF THIS HON'BLE COURT  
DATED 15.11.2022.
- Annexure A3                    TRUE      COPY      OF      THE      ORDER      IN  
B.A.NO.189/2023 OF THIS HON'BLE COURT  
DATED 20.01.2023.