

BAIL APPL. NO. 9162 OF 2022

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 2ND DAY OF DECEMBER 2022 / 11TH AGRAHAYANA, 1944

BAIL APPL. NO. 9162 OF 2022

(Crime No.1417 of 2022 of Hosdurg Police Station, Kasargod)

PETITIONER/S:

ABDUL SUHAIL MK,
AGED 20 YEARS
S/O SIDDIQUE, RESIDING AT
MOOLAKIRIYATH HOUSE, KALLOORAVI, KANHANGAD KASARGOD
DISTRICT, PIN - 671315
BY ADVS.
SURESH KUMAR KODOTH
SUKARNAN

RESPONDENT/S:

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

OTHER PRESENT:

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PP SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
02.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No.9162 of 2022

Dated this the 2nd day of December 2022

ORDER

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

2. Petitioner is the sole accused in Crime No.1417/2022 of Hosdurg Police Station, Kasargod District. The offences alleged against the petitioner are under Section 306 of the Indian Penal Code, 1860 apart from Section 67A of the Information Technology Act, 2000.

3. According to the prosecution, the accused had abetted the commission of suicide of a 19 year old girl, with whom, she was in a relationship and thereby committed the offences alleged.

4. Sri.Suresh Kumar Kodoth, learned Counsel for the petitioner submitted that the entire prosecution allegations are false and that petitioner had no role in the commission of suicide. It was also pointed out that petitioner is only 20 years in age and was arrested on 02.11.2022, and that since the investigation is almost completed, no purpose would be served by continuing the detention.

5. Sri.K.A.Noushad, learned Public Prosecutor on the other hand opposed the grant of bail and contended that the petitioner had abetted the commission of offence by sending videos allegedly of the

victim in compromising positions with the petitioner, and the said conduct instigated the victim to commit suicide. It was also pointed out that the investigation is still going on, and the petitioner ought not to be released on bail.

6. I have perused the Case Diary and have considered the rival contentions.

7. Even though I notice whatsapp messages having been transacted between the petitioner and the victim, immediately before her death, taking into consideration the young age of the petitioner and the period of detention already undergone, as well as the stage of investigation, I am of the view that further detention of the petitioner is not essential.

Accordingly, I allow this application on the following conditions:

- (a) Petitioner shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.
- (b) Petitioner shall appear before the Investigating Officer as and when required.
- (c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence.
- (d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional 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.

**BECHU KURIAN THOMAS
JUDGE**

jm/

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APPENDIX OF BAIL APPL. 9162/2022

PETITIONER ANNEXURES

Annexure 1	ANNEXURE-1: CERTIFIED COPY OF ORDER DATED 8/11/2022 IN CMP NO. 4808/2022 OF THE JUDICIAL FIRST CLASS MAGISTRATE-LL, HOSDURG
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