

Ratheesh Vs. State of Kerala

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Court : Kerala

Decided On : Jan-22-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Ratheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN TUESDAY, THE 22ND DAY OF JANUARY 2013 2ND MAGHA 193 Bail Appl..No. 346 of 2013 () ----- CRIME NO. 1243/2012 OF PUTHOOR POLICE STATION , KOLLAM DISTRICT ----- PETITIONERS/ACCUSED-A1 & 2: ----- 1. RATHEESH, AGED 3 YEARS, S/O.SUNDARESAN, RATHEESH BHAVANAM, THAZHATHUKULAKKADA EAST MURI, KULAKKADA VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT 2 SUNDARESAN, AGED 5 YEARS, RATHEESH BHAVANAM, THAZHATHUKULAKKADA EAST MURI, KULAKKADA VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT . BY ADV. SRI.K.V.ANIL KUMAR RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts P.BHAVADASAN,

J.

----- B.A. No.346 of 2013
----- Dated this the 22nd day of January, 2013

ORDER The petitioners are accused 1 and 2 in Crime No.1243/2012 of Puthoor Police Station for having committed the offences punishable under Sections 447, 294(b), 506(i), 307 r/w 34 of IPC.

2. The incident which gave rise to the case is said to have occurred on 26.12.2012. The allegation against the petitioners is that they trespassed into the house of the de facto complainant and assaulted him causing severe injuries.

3. The petitioners submit that they are totally innocent and have been implicated with ulterior motives. They would say that they had been attacked by the de facto complainant in an earlier incident in which they suffered injuries and in order to cover up the said incident, a false case has been lodged by the de facto complainant. Therefore, the petitioners seek anticipatory bail.

4. The learned Public prosecutor vehemently opposed the petition pointing out that the investigation is at an infant stage.

5. CD was made available for perusal. After having heard the learned counsel for the petitioners and the learned B.A.No.346/2013 :2: Public Prosecutor and gone through the records made available before this Court, the claim of the petitioners that they are innocent cannot be readily accepted. Eventhough the petitioners claim that they were attacked and one of the petitioners got injured, no crime is registered with regard to that incident. In the present crime, it is seen that the de facto complainant was attacked and he suffered severe injuries. Considering the nature of allegations against the petitioners, the manner in which offence was committed, nature of weapons used, injuries caused and also the fact that investigation is at an infant stage, preclude this Court from exercising the extraordinary jurisdiction in favour of the petitioners. The petition is accordingly dismissed.

6. However, the petitioners, if so advised, may surrender before the Investigating Officer on or before 31.1.2013, who after interrogation shall produce them before the JFCM court concerned, which Court, on bail applications being moved by the petitioners, may dispose of the same in accordance with law. P.BHAVADASAN, Judge. okb.

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