

Aji Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Aji

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 30TH DAY OF JANUARY 2013 10TH MAGHA 193 Bail Appl..No. 60 of 2013 (A) ----- [CRIME NO. 2069/2012 OF KOTTIYAM POLICE STATION , KOLLAM DISTRICT] PETITIONER/ACCUSED NO.1: ----- AJI, AGED 3 YEARS, MAMANDIRAM,VETTELATHAZHAM, MUKHATHALA, KOLLAM. BY ADV. SRI.K.SHAJ.

RESPONDENTS/COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM

031.

2. SUB INSPECTOR OF POLICE, KOTTIYAM POLICE STATION,KOLLAM

004. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH. THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 30-01-2013, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING: Prv. P.BHAVADASAN, J
----- B.A No.60 of 2013
----- Dated this the 30th day of January, 2013

ORDER

The petitioner is the 1st accused in Crime No.2069/2012 of Kottiyam Police Station for having committed offences punishable under Sections 452, 379, 324, 294(b) and 427 r/w Section 34 of IPC.

2. The allegation against the petitioner is that on 17.1.2012 at about 6 pm. the petitioner along with other accused trespassed into the house of the defacto complainant, destroyed the household articles and caused injuries to the defacto complainant.

3. The petitioner would say that the allegations are totally false and has been made with an oblique motive.

4. The learned Public Prosecutor opposed the petition pointing out that the facts have been narrated in the petition. It is also pointed out that the investigation is at the initial stage and pre-arrest bail may not be granted to the petitioner.

5. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and perusing the B.A No.60 of 2013 :

2. records the claim of the petitioner that he is innocent does not appear to be true. The records show that the petitioner has involved in the incident. It is also seen that that the petitioner had attacked the defacto complainant with iron rod and he had suffered injuries.

6. Suffice to say that, considering the nature of allegation against the petitioner, the manner in which acts committed, injuries caused to the victim and also the fact that the investigation is at the initial stage, preclude this Court from exercising its extraordinary jurisdiction in favour of the petitioner. The petition is dismissed. However, if so advised, the petitioner may surrender before the Investigating

Officer on or before 7.2.2013, who after interrogation, shall produce him before the JFCM Court concerned. If the petitioner moves an application for regular bail before the said court, the learned Magistrate shall consider and pass orders thereon in accordance with law, if possible on the same day itself.
P.BHAVADASAN Judge ab

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