

Suresh Vs. State of Kerala

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Court : Kerala

Decided On : Jul-26-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Suresh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY, THE 26TH DAY OF JULY 2013 4TH SRAVANA, 1935 Bail Appl..No. 5063 of 2013 ()
----- CRIME NO. 336/2013 OF ARUVIKKARA POLICE STATION , THIRUVANANDAPURAM ----- PETITIONER/ACCUSED: ----- SURESH, AGED 4 YEARS S/O.RAMESAN, RADHA BHAVAN, KUZHIVILA PULLIKONAM, THARATTA, KARAKULAM THIRUVANANTHAPURAM. BY ADVS.SRI.T.A.UNNIKRISHNAN SRI.K.SATHEESH KUMAR RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE, ARUVIKKARA POLICE STATION. BY PUBLIC PROSECUTOR SRI.ROY THOMAS THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: vk P.BHAVADASAN, J.

ORDER

The petitioner is the sole accused in Crime No.336/2013 of Aruvikkara Police Station who is alleged to have committed the offences punishable under Sections 294(b) and 326 of Indian Penal Code. The allegation against the petitioner is that on 07.06.2013 at about 11 p.m, he attacked the de facto complainant with an iron rod causing injuries to her.

2. The petitioner would say that he is innocent and has been falsely implicated with ulterior motive. According to him, they have been living together about 19 years back and the de facto complainant has married another person and in order to create problems and to grab property, a false case has been foisted on him.

3. Learned Public Prosecutor opposed the petition and pointed out that the facts are not as stated by the petitioner. It is also pointed out that the investigation is at an infant stage. B.A.No.5063/201

4. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and also after having perused the records, the claim of the petitioner that he is innocent cannot be countenanced. There seems to be much force in the contention taken by the learned Public Prosecutor that the facts disclosed by record are not as stated by the petitioner. In fact, the de facto complainant still claims to be living with the petitioner as husband and wife. It is also seen from the records that she has been regularly manhandled by the petitioner and that she has preferred complaints also.

5. Considering the nature of the allegations against the petitioner, the offence committed by him, the injuries suffered by the victim, the weapon used by the petitioner and also the fact that the investigation is at an infant stage, this Court is precluded from exercising its extra ordinary jurisdiction in favour of the petitioner. The application is to be dismissed and I do. However, if the petitioner is so advised, he may surrender before the Investigating Officer on or before 31.07.2013 who, after interrogation, shall produce him before the Court concerned

B.A.No.5063/2013 3 who, on an application of bail being moved by the petitioner, shall dispose of the same preferably on the same day itself, in accordance with law. Sd/- P.BHAVADASAN JUDGE smp // True Copy // P.A.to Judge.

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