

Manukrishnan Vs. the State of Kerala

Manukrishnan Vs. the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1095511

Court : Kerala

Decided On : Oct-23-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Manukrishnan

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 23D DAY OF OCTOBER 2013 1ST KARTHIKA, 1935 Bail Appl..No. 6932 of 2013 ()
----- CRIME NO. 896/2013 OF ANCHALMOODU POLICE STATION , KOLLAM ----- PETITIONER/2ND ACCUSED:
----- MANUKRISHNAN, AGED 27 YEARS, S/O. UNNIKRISHNAN, KOTTUR, PADINJATTATHIL, PAKULAM, KOLLAM. BY ADVS.SRI.O.V.MANIPRASAD SRI.SAJU J PANICKER
RESPONDENT/COMPLAINANT: ----- THE STATE OF KERALA, (THE SUB INSPECTOR OF POLICE, ANCHALMOODU POLICE STATION, CRIME NO. 896/2013) REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.P.MAYA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ P.BHAVADASAN, J.

----- Dated this the 23rd day of October, 2013

ORDER

The petitioner is one of the accused in Crime No.896 of 2013 of Anchalumoodu Police Station who is alleged to have committed the offences punishable under Sections 294B, 341, 323, 324, 354 read with Section 34 of IPC.

2. The allegation against the petitioner is the on 24.06.2013 at 7.30 P.M., he along with other accused persons, due to previous enmity, attacked the defacto complainant and his step mother causing injuries to them.

3. The petitioner would say that the allegations are totally false and are made with ulterior motive. It is pointed out that going by the initial statement given, the injured victims were taken by the Police to the hospital. Whereas, the Police would say that they came to know about the incident only on 26.06.2013 when they received intimation from the hospital. This aspect is highlighted to show that B.A. No.6932/2013 -2- the incident is false.

4. The learned Public Prosecutor opposed the petition and pointed out that assailant is none other than the son of the complainant and the other victim is none other than his step mother. The learned Public Prosecutor also pointed out that an iron rod has been used to inflict a lacerated injury on the head. It is further pointed out that the investigation is at an infant stage.

5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, the claim of the petitioner that he has been falsely implicated cannot be accepted. Overt acts are attributed to him. The question as to who had taken the victim to the hospital is not relevant at this point of time. The fact remains that the victims were hospitalized on the date of incident itself and the injuries were noticed by the doctor concerned. Further, it is a case where the son had attacked his father and caused injuries to him. B.A. No.6932/2013 -3- 6. Considering the nature of acts committed by the petitioner, the manner in which the offence was committed, the weapons used, the injuries

caused and also the fact that the investigation is at an infant stage preclude this Court from exercising its extraordinary jurisdiction in favour of the petitioner. The petition is accordingly dismissed. However, if so advised, the petitioner may surrender before the Investigating Officer on or before 30.10.2013, who after interrogation, shall produce him before the JFCM Court concerned. If the petitioner moves an application for bail before the said court, the learned Magistrate shall consider and pass appropriate orders thereon in accordance with law, preferably on the date of surrender itself. P.BHAVADASAN JUDGE ds

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com