

Unnikrishnan B vs State of Kerala

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Court : Kerala

Decided On : Apr-10-2025

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Bail Appl./4426/2025

Appellant : Unnikrishnan B

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
THURSDAY, THE 10TH DAY OF APRIL 2025/20TH CHAITHRA, 1947
BAIL APPL. NO. 4426 OF 2025 CRIME NO.219/2025 OF Town North
Police Station, Palakkad PETITIONER/ACCUSED NO.1:

UNNIKRISHNAN B AGED 38 YEARS, S/O.BHASKARAN, PRIYA
NIVAS, UTHUNGODE, THIRUNELLAYI, PALAKKAD DISTRICT., PIN -
678 004. BY ADV NIREESH MATHEW RESPONDENT/COMPLAINANT-
STATE: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, KOCHI.,
PIN - 682 031. THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: P.V.KUNHIKRISHNAN, J

----- B.A.No.4426 of 2025 -----

Dated this the 10th day of April, 2025

ORDER

This Bail application is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita.

2. Petitioner is the 1st accused in Crime No.219 of 2025 of Town North Police Station, Palakkad.

The above case is registered against the petitioner alleging offences punishable under Sections 329(3), 126(2), 115(2), 118(1), 190, 189, 110, 191(2) and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (for short BNS).

3. The prosecution case is that 16.02.2025

at about 01:30 a.m., the accused persons who were having enmity towards the injured for the reason that he had earlier questioned consumption of alcohol in the parking area of TT Restaurant, came in a car armed with dangerous weapons like dagger and iron rod formed themselves into an unlawful assembly and accused Nos. 1 and 2 wrongfully restrained the owner of TT restaurant and the defacto complainant, and the 1 st accused inflicted a cut injury on the leg of the injured. The 2 nd accused beat the 1st informant on his left hand using an iron rod. When a staff of the hotel named Ameer tried to intervene accused Nos.3 to 5 fisted and kicked him. The owner of the shop had fallen down and the 1 st accused using the dagger attempted to cut on his neck which he evaded and if not have evaded he could have sustained serious injuries.

4. Heard the counsel for the petitioner and the public Prosecutor. Learned Public Prosecutor seriously opposed the bail application.

5. After hearing both sides, I think this is not

a fit case, in which orders u/s.482 BNSS can be passed. At this stage the counsel for the petitioner submitted that the petitioner will surrender before the Investigating Officer. The counsel also submitted that there may be a direction to produce the petitioner after interrogation before the jurisdictional court and there may be a direction to the jurisdictional court to consider the bail application on the date of production of the petitioner. I think that prayer can be allowed.

Considering the submission of the counsel for the petitioner, this bail application is disposed of with the following directions.

1) The petitioner will surrender before the Investigating Officer within two weeks from today. 2) If the petitioner surrender before the Investigating Officer as directed above, the Investigating Officer is free to interrogate the petitioner. If arrest is recorded, the petitioner shall be produced before the jurisdictional court on the date of surrender itself. 3) The petitioner is free to file bail application before the jurisdictional court at the time of producing him. If such a bail application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with law and pass appropriate orders in it preferably on the date of filing of the same itself. 4) The Investigating Officer is free to file custody application, if necessary, at the time of producing the petitioner and if such application is filed, the jurisdictional court is free to pass appropriate orders in it also. Sd/-
P.V.KUNHIKRISHNAN JUDGE

AMR APPENDIX OF BAIL APPL. 4426/2025 PETITIONERS ANNEXURES
Annexure 1 TRUE PHOTOCOPY OF THE FIR IN CRIME NO.219/2025 OF
TOWN NORTH POLICE STATION, PALAKKAD DATED 16.02.2025

Annexure 2 TRUE PHOTOCOPY OF THE COMMON ORDER

DATED 10.03.2025 IN CRL M.C.NO. SESSIONS, PALAKKAD

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