

Anuraj vs State of Kerala

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Court : Kerala

Decided On : Apr-11-2025

Judge : Honourable Mr. Justice P.V.Kunhikrishnan

Appeal No. : Bail Appl./4988/2025

Appellant : Anuraj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN
FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947
BAIL APPL. NO. 4988 OF 2025 CRIME NO.98/2025 OF Mulavukad
Police Station, Ernakulam PETITIONER/S: ANURAJ AGED 32 YEARS
S/O SYAMALA SHYRAJ, THITTAYIL, PONNARIMANGALAM,
MULAVUKAD P.O, MULAVUKAD, ERNAKULAM, PIN - 682504 BY
ADVS. P.A.MOHAMMED ASLAM ARTHUR B. GEORGE
E.B.THAJUDDEEN RAMSHAD K.R. MUHAMMED RISWAN K.A.
SARATH SASI MIDHUN MOHAN IRSHAD V.P. ABDUL SAMAD P.B.
RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV

NOUSHAD K A, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: P.V.KUNHIKRISHNAN, J
----- B.A.No.4988 of 2025 -----

Dated this the 11th 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. above case is registered against the petitioner alleging offences punishable under Sections 115(2), 118(1), 126(2), 189(2), 190, 191(2), 324(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short BNS).

3. Prosecution case is that on 16.02.2025 at

09:15 p.m., accused Nos. 1 to 9 restrained the defacto complainant and his brother Vishnu, his relative namely Alan and Hashim. It is alleged that the 1 st accused beat on the face of the said Hashim using a bangle and also beat on the forehead of the defacto complainant and he sustained injury on his nose. Thereafter the accused persons assaulted the defacto complainant using hands. Hence it is alleged that the accused committed the above said offences.

4. Heard the counsel for the petitioner and the public Prosecutor.

5. Public Prosecutor seriously opposed the

bail application. The Public Prosecutor submitted that the petitioner has got criminal antecedent. The other accused were released on bail under Section 482 of BNSS, because, there is no serious overt act to them. But, there is specific overt act to the petitioner, who is the 1 st accused.

6. 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. 4988/2025 PETITIONERS ANNEXURES
Annexure A1 TRUE COPY OF THE FIR IN CRIME NO. ERNAKULAM DATED 18-02-2025
Annexure A2 TRUE COPY OF THE ORDER IN CRL.M.C 576 OF 2025 DATED 05-03-2024
Annexure A3 TRUE COPY OF THE ORDER IN BAIL APPLICATION NO 3520 OF 2025 DATED 20- 03-2025

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