

Naseer, vs State of Kerala,

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Court : Kerala Orders

Decided On : Jan-25-2024

Judge : Honourable Mrs. Justice Sophy Thomas

Appeal No. : Bail Appl./267/2024

Appellant : Naseer,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SOPHY THOMAS
THURSDAY, THE 25TH DAY OF JANUARY 2024 / 5TH MAGHA, 1945
BAIL APPL. NO. 267 OF 2024 CRIME NO.1425/2023 OF
Vadakkancherry Police Station, Palakkad PETITIONER/S: NASEER,
AGED 37 YEARS S/O.ABDUL RAHIMAN, PRADHANI HOUSE,
VADAKKENCHERRY, PALAKKAD, PIN - BY ADV V.A.JOHNSON
(VARIKKAPPALLIL) RESPONDENT/S: STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - OTHER PRESENT: SR.PP-SRI.VIPIN NARAYANAN
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25.01.2024, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING: ..2..

SOPHY THOMAS, J.

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ORDER

Dated this the 25th day of January, 2024 This is an application for regular bail under Section 439 of the Code of Criminal Procedure, 1973 filed by the 1st accused in Crime No.1425 of 2023 of Vadakkancherry Police Station, Palakkad, registered under Sections 452, 341, 323, 324, 354 r/w Section 34 of IPC.

2. The prosecution allegation is that on 25.12.2023 at about

10.00 am the petitioner along with accused Nos. 2 and 3 trespassed into the house of the de facto complainant with dangerous weapons and assaulted them, causing grievous hurt. ..3.. They outraged the modesty of the wife of the de facto complainant, due to their enmity that the husband of the de facto complainant questioned the petitioners about their act of consuming alcohol near to their house.

3. Heard learned counsel for the petitioner and learned Public Prosecutor.

4. Learned Public Prosecutor opposed the bail application

stating that the major overt acts are alleged against the 1st accused, and he was the person who caused hurt to the de facto complainant, and outraged the modesty of his wife. Moreover, the petitioner, along with accused Nos. 2 and 3, during night hours, trespassed into the house of the de facto complainant with dangerous weapons, and attacked him and his wife.

4. Learned counsel for the petitioner would submit that, the petitioner is ready to abide by any conditions imposed by this Court. Considering the nature of the offence committed, and since ..4..

the major overt acts are alleged against the petitioner herein, it is not a fit case to release him on anticipatory bail. So the petition stands dismissed. Sd/- SOPHY THOMAS JUDGE RMV

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