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Ratheesh vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1330508

Court : Kerala Orders

Decided On : Jan-18-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./153/2023

Appellant : Ratheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM WEDNESDAY, THE 18TH DAY OF JANUARY 2023 / 28TH POUSHA, 1944 BAIL APPL. NO. 153 OF 2023 CRIME NO.1231/2022 OF VILAPPILSALA POLICE STATION, THIRUVANANTHAPURAM PETITIONER/ACCUSED NOS.1 AND 2: 1 RATHEESH AGED 35 YEARS, S/O.CHANDRAN, RATHEESH BHAVAN, PUNNASSERI, VILAPPILSALA.P.O, THIRUVANANTHAPURAM PIN - 695 573 2 VISHNU.S AGED 31 YEARS, S/O.SETHU RAJAN.B, THAKIDI KIZHAKKUMKARA VEEDU, KATTAKKADA, PERUMKULAM, THIRUVANANTHAPURAM - 695 102 BY ADVS. SUMAN CHAKRAVARTHY K.R.RIJA AMJATH A.R RAHUL S.NATH

RESPONDENT: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY ADV SRI.M.C.ASHI - PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: .. 2 ..

VIJU ABRAHAM, J.

B.A. No.153 of 2023 Dated this the 18th day of January, 2023

ORDER

This is an application for anticipatory bail.

2. The petitioners are accused Nos.1 and 2 in Crime

No.1231/2022 of Vilappilsala Police Station, Thiruvananthapuram alleging commission of offences punishable under Sections 294 (b), 323, 324, 326, 308 r/w Section 34 of the IPC.

3. The prosecution allegation is that the accused Nos.1, 2 and 3 attacked the defacto complainant and he sustained serious injuries in the alleged incident and thus the accused have committed the said offences.

4. The learned counsel for the petitioners submitted that

they have been falsely implicated in the above said crime. It is in fact the defacto complainant and his two friends who have attacked the petitioners using dangerous weapons. Even going by the prosecution allegation the offence u/s. 308 of the IPC is not attracted. It is further submitted that the petitioners have .. 3 .. no other criminal antecedents.

5. The learned Public Prosecutor opposed the application

for bail mainly contending that the defacto complainant was attacked by dangerous weapons including a sword and he sustained serious injuries in the alleged incident.

6. Taking into consideration the serious nature of allegations, I am not inclined to grant anticipatory bail to the petitioners. I dispose of the anticipatory bail application with the following directions: Petitioners shall surrender before the investigating officer

and in the event of arrest, they shall be produced before the Jurisdictional Magistrate on the very same day and if the petitioners move an application for bail with advance copy to the learned Public Prosecutor, the bail application shall be considered by the Jurisdictional Magistrate, preferably on the very same day. I am issuing this direction taking note of the fact that the petitioners have no other criminal antecedents. Sd/- VIJU ABRAHAM, JUDGE ded/18.01.2023

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