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Suneesh.C vs State of Kerala,

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Court : Kerala Orders

Decided On : Jan-18-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./180/2023

Appellant : Suneesh.C

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS WEDNESDAY, THE 18TH DAY OF JANUARY 2023 / 28TH POUSHA, 1944 BAIL APPL. NO. 180 OF 2023 CRIME NO 7 OF YEAR 2023 OF BEKAL POLICE STATION, KASARGOD PETITIONERS:

1 SUNEESH.C AGED 26 YEARS SON OF CHANDRAN, KARUVAKKODE HOUSE, PAKKAM, PANAYAL VILLAGE, 2 NIKHIL NARAYANAN AGED 25 YEARS SON OF NARAYANAN.V, VANNATHAN VEEDU, KEEKKANAM, PANAYAL VILLAGE, 3 SHARATH.A AGED 22 YEARS SON OF DHAMODHARAN.V, VELUTHOLY HOUSE, VELUTHOLY, PANAYAL VILLAGE, 4

VINEETH.V AGED 20 YEARS SON OF A.BALAKRISHNAN, VELUTHOLY HOUSE, VELUTHOLY, PANAYAL VILLAGE, 5 KRISHNANUNI.K AGED 19 YEARS SON OF UNNIKRISHNAN.P, KALICHAMARAM, VELUTHOLY, PANAYAL VILLAGE, BY ADVS. A.ARUNKUMAR HEERAKRISHNA T.H. SACHIN GEORGE ARAMBAN

RESPONDENTS/COMPLAINANT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR SRI. NOUSHAD. K. A - PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

=-=-=-=-=-=-=-=-=-=-=-=- =-=-=-=-=-=-=-=-=-= Dated this the 18th day of January, 2023

ORDER

This is an application seeking pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioners are accused nos. 1 to 5 in Crime No.7 of 2023 of Bekal Police Station, Kasargode, alleging offences under Sections 143, 147, 148, 447, 341, 323, 324 and 326 r/w Section 149 of the Indian Penal Code, 1860.

3. The prosecution case is that on 01-01-2023, accused formed themselves into an unlawful assembly and trespassed into the courtyard

of the house of the defacto complainant and attacked him and his mother with wooden stick and iron rod and inflicted serious injuries including fracture of the right tibia of the defacto complainant.

4. Sri.A.Arun Kumar, the learned counsel for the petitioners, submitted that the incident as alleged had not occurred and petitioners

are totally innocent. It was also submitted that, before the alleged incident, the defacto complainant had attacked the accused and thereafter, a false complainant has been alleged. It is also pointed out that petitioners are willing to abide by any conditions that may be imposed upon them.

5. Sri. Noushad K.A, the learned the learned Public Prosecutor,

opposed the grant of bail and submitted that the allegations are serious and the accused had assaulted the defacto complainant and his mother with a wooden log and an iron rod and serious injuries were inflicted on them. It is also pointed out that a fracture of the right tibia has been occassioned and that custodial interrogation is necessary.

6. I considered the rival contentions and have also perused the records produced.

7. Having regard to the nature of injuries inflicted and also the circumstances that all the accused together had seriously assaulted the defacato complainant and his mother, causing a fracture to the defacto complainant. I am of the view that, this is not a fit case were the petitioners could be released on bail. Accordingly, I dismiss the application. However, in the event of

petitioners surrendering before the Investigating Officer within ten days from today, they shall be subjected to interrogation and thereafter be produce before the Jurisdictional Court without further delay. In the event of any application for bail being filed, the same shall also considered in accordance with law, without further delay.

This bail application is dismissed. BECHU KURIAN THOMAS, JUDGE mtk/18.01.23 APPENDIX OF BAIL APPL. 180/2023 PETITIONER ANNEXURES Annexure AI A TRUE COPY OF THE F.I.R IN CRIME NO.7 OF 2023 OF BEKAL POLICE STATION Annexure AII A TRUE COPY OF THE F.I.R IN CRIME NO.14 OF 2023 OF BEKAL POLICE STATION

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