

Aneesh vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-23-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./215/2023

Appellant : Aneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
MONDAY, THE 23RD DAY OF JANUARY 2023 / 3RD MAGHA, 1944
BAIL APPL. NO. 215 OF 2023 [CRIME NO.1588/2022 OF PARASSALA
POLICE STATION, THIRUVANANTHAPURAM] PETITIONER/S: 1
ANEESH AGED 22 YEARS S/O VIJAYARAJ,ANEESH NIVAS,
KALLUVILA, PARASHUVAIKKAL P.O, THIRUVANANTHAPURAM, PIN -
695508 2 ABIN AGED 23 YEARS S/O SHAGULAN,
MANNAMCODE,KIZHAKKAKARA, PARASHUVAIKKAL P.O,
THIRUVANANTHAPURAM, PIN - BY ADV LATHEESH SEBASTIAN
RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV

PUBLIC PROSECUTOR OTHER PRESENT: ADV M P PRASHANTH-PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2 :

ORDER

The petitioners are accused Nos.1 and 3 in crime No.1588/2022 of Parasala Police Station, which was registered for the offences punishable under Sections 294(b), 308, 323, 324, and 452 read with Section 34 of the Indian Penal Code.

2. The prosecution case is that, on 18.12.2022 at about

9.45 p.m., the accused persons total three in number, trespassed into the property of the defacto complainant, assaulted him with a knife thereby causing injury on the left side of the head of the defacto complainant. It was further alleged that, when the wife and the child of the defacto complainant intervened to save the defacto complainant from the assault of the petitioner, the 2 nd accused pushed down the daughter of the defacto complainant and the 3rd accused assaulted the wife of the defacto complainant. The crime was registered in such circumstances. The 2nd accused is already arrested and was released on bail subsequently. The contention put forward by the learned counsel

:3 : for the petitioner is that, the petitioners are innocent of the allegations.

3. On the other hand, the learned Public Prosecutor

would oppose the said contentions. The learned Public Prosecutor specifically highlighted the fact that in the First Information Statement it is specifically stated by the defacto complainant that the assault was made by the accused persons only on the reason that the petitioner objected the consumption of alcohol and narcotic materials, by the accused persons on the pathway leading to the house of the defacto complainant.

4. On perusing the records, it is seen that there are

specific allegations of serious nature are raised against the petitioners. On going through the manner in which the incident occurred, it can be seen that, the accused persons have come to the premises along with weapons, with pre meditation. It was not a case in which the incident occurred instantaneously. In such circumstances, taking note of the gravity of the offences alleged and the manner in which it was committed, I am of the view that, the benefit of anticipatory bail cannot be extended to such persons.

:4 : In such circumstances, I do not find any reason to entertain this bail application and accordingly, it is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE ncd :5 : APPENDIX OF BAIL APPL. 215/2023 PETITIONER ANNEXURES Annexure1 TRUE COPY OF THE FIR IN CRIME NO.1588/2022OF PARASHALA POLICE STATION, THIRUVANANTHAPURAM DISTRICT ALONG WITH THE FI STATEMENT

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