

Saleem vs State of Kerala Represented by the Public Prosecutor

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Court : Kerala

Decided On : Jan-30-2023

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

Appeal No. : Bail Appl./284/2023

Appellant : Saleem

Respondent : State of Kerala Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
MONDAY, THE 30TH DAY OF JANUARY 2023 / 10TH MAGHA, 1944
CRIME NO.22/2023 OF PAYYANUR POLICE STATION
PETITIONER/ACCUSED: SALEEM AGED 48 YEARS S/O. ABDUL
KAREEM, OLAKKAL PURAYIL (H), ETTIKULAM, PAYYANUR,
KANNUR DISTRICT, PIN - 670308 BY ADVS. M.ANUROOP MURSHID
ALI M. RESPONDENT/COMPLAINANT: STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF
KERALA, PIN - 682031 (IN CR.NO.22/2023 OF PAYYANUR POLICE
STATION) BY ADV ADV C S HRITHWIK - SR PP THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 30.01.2023,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.22/2023 of Payyannur Police Station, which was registered for the offences punishable under Sections 341, 323, 324, 294(b), 506, 354, 354(A)1(ii) of the Indian Penal Code.

2. The defacto complainant is the second wife of the petitioner's

father. The allegation against the petitioner is that on 06.01.2023 at 16.30 hours, the petitioner pushed the defacto complainant on the ground and attacked her with a wooden stick, thereby causing injuries to her. It is also alleged that the petitioner abused and threatened to kill the defacto complainant. Annexure A1 First Information Report was registered in such circumstances. This application is filed seeking anticipatory bail as he apprehends arrest in the said crime.

3. The learned counsel appearing for the petitioner submits that he is innocent of the allegations. According to him, certain disputes are pending between the petitioner and the defacto complainant, and he was

falsely implicated in this case consequent to such disputes. It is also contended that going by the nature of allegations raised in the First Information Statement, no sexual intention can be attributed against the petitioner, and no serious injuries were sustained by her.

4. On the other hand, the learned Public Prosecutor would oppose the said contention. However, it is pointed out that the petitioner is not involved in any other offences.

5. I have gone through the records and heard the contentions raised

from either side. The fact that there are certain disputes between the parties is not disputed. As rightly pointed out by the learned counsel for the petitioner, the assault does not appear to be with any sexual intent. Moreover, no serious injuries were sustained by the defacto complainant. Considering all the relevant aspects, I

am of the view that, the petitioner can be directed to be surrendered before the investigation officer to ensure his cooperation with the investigation and thereby to expedite the same. In such circumstances, this bail application is disposed of with the following directions and conditions:-

i The petitioner shall surrender before the Investigating officer, within a period of two weeks from today, for subjecting himself to interrogation. ii After interrogation, the petitioner shall be released on bail, on the very same day of surrender upon the petitioner executing a bond for Rs 1,00,000/- with two sureties each for the like sum, to the satisfaction of the investigating officer. iii The petitioner shall fully cooperate with the investigation, including subjecting himself to the deemed police custody for the purpose of recovery, if any, as and when demanded. iv The petitioner shall appear before the investigating officer between 10.00 a.m and 11.00 a.m every Wednesday until further orders. v The petitioner shall also appear before the investigating officer as and when required. vi The petitioner shall not commit any offence of similar nature while on bail. vii The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. viii The petitioner shall not leave the State of Kerala without the permission of the trial Court.

Sd/- ZIYAD RAHMAN A.A. JUDGE scs APPENDIX OF BAIL APPL. 284/2023
PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF THE FIR IN
CRIME NO.

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