

Akhilraj vs State of Kerala Represented by the Public Prosecutor High Court of Kerala

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Court : Kerala Orders

Decided On : Jan-25-2023

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

Appeal No. : Bail Appl./434/2023

Appellant : Akhilraj

Respondent : State of Kerala Represented by the Public Prosecutor High Court of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
WEDNESDAY, THE 25TH DAY OF JANUARY 2023 / 5TH MAGHA,
1944 BAIL APPL. NO. 434 OF 2023 CRIME NO.2893/2022 OF
KOTTARAKKARA POLICE STATION,KOLLAM
PETITIONER/ACCUSED: AKHILRAJ AGED 35 YEARS S/O
RAJENDRAN AKHIL NIVAS KOTTATHALA PO KOTTARACKARA
KOLLAM (DIST) -, PIN - 691507 BY ADV M.RAJESH
RESPONDENT/COMPLAINANTS: 1 STATE OF KERALA

REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 THE INSPECTOR OF POLICE KOTTARACKARA POLICE STATION KOTTARACKARA KOLLAM (DIST), PIN - 691506 ADV C S HRITHWIK - SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2 :

ORDER

The petitioner is the sole accused in crime No.2893/2022 of Kottarakkara Police Station, which was registered for the offences punishable under Sections 323, 324 and 307 of the Indian Penal Code. Subsequently, the offence under Section 326A of the Indian Penal Code was added.

2. The prosecution case is as follows: The defacto

complainant is the wife of the petitioner. Certain litigations in connection with the matrimonial disputes between the parties are pending before the various courts. One such case relating to the maintenance is pending before the Judicial First Class Magistrate's Court-I, Kottarakkara. On 17.12.2022, the defacto complainant went to Kottarakkara to attend court. It is alleged that, while she was sitting in the court, the petitioner

approached her and threatened her. Later, while she was returning from the lawyer's office on her scooter, the petitioner chased her in another scooter and obstructed her. Thereafter, the petitioner poured petrol on the body of the defacto complainant and set her ablaze. She was also assaulted with a helmet. On account of the same, the defacto complainant :3 : sustained burn injuries all over the body. The crime was registered in such circumstances. In connection with the said crime, the petitioner was arrested on 17.12.2022, and since then, he is in judicial detention. This application is submitted for regular bail in such circumstances.

3. Sri. M. Rajesh, the learned counsel for the petitioner

contends that the petitioner is innocent of the allegations. He submits that the petitioner is ready to obey any conditions. It is the further case that the petitioner has certain mental disorders, and the incident occurred due to the same. Therefore, he prays for a lenient view in the matter, taking note of the fact that the petitioner was arrested on 17.12.2022.

4. On the other hand, the learned Public Prosecutor seriously opposes the said application.

5. It is contended that the petitioner chased the defacto complainant with all the preparations to commit the offence. He was carrying petrol and pepper spray for the commission of the

crime. Due to the petitioner's acts, the defacto complainant sustained burn injuries all over the body. The investigation is at its preliminary stage, and if the petitioner is released on bail, he is likely to influence and intimidate the witnesses, thereby causing prejudice to the investigation.

6. On going through the records, it is seen that the

allegations raised against the petitioner are grave in nature. Even though the learned counsel for the petitioner contended that the petitioner is suffering from certain mental ailments, that is a matter of investigation. At this stage, I am of the view that the same cannot be considered because of the reason that, the focus is to be on ensuring a proper investigation into the matter. Considering the fact that the allegations raised against the petitioner are severe and the brutal manner in which the acts were committed by the petitioner, I am of the view that releasing the petitioner on bail at this juncture is likely to hamper the investigation. The chances of influencing and intimidating the witnesses are very high. In such circumstances, I do not find any reason to grant bail to the petitioner at this stage.

Accordingly, this bail application is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE
ncd :5 : APPENDIX OF BAIL APPL. 434/2023 PETITIONER ANNEXURES
Annexure 1 . THE TRUE COPY OF THE FIR IN CRIME NO. STATION Annexure2
THE TRUE COPY OF THE ADMISSION- DISCHARGE SUMMARY ISSUED BY

THE NMCMD IN RESPECT OF THE PETITIONER

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