

Vinodan C vs State of Kerala

Vinodan C vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1332011

Court : Kerala

Decided On : Jan-31-2023

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

Appeal No. : Bail Appl./448/2023

Appellant : Vinodan C

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944
BAIL APPL. NO. 448 OF 2023 Crime No. 15/2023 of Payyannur Police
Station PETITIONER/ACCUSED: VINODAN C AGED 57 YEARS S/O
KARUNAKARAN.M.P, CHAMUNDI HOUSE, VELLUR AMSOM,
KANDOTH P.O, PAYYANNUR TALUK, KANNUR DISTRICT., PIN - BY
ADV B.MUHAMMED SHAHEEL RESPONDENT/STATE: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR ADV C S
HRITHWIK - SR PP THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 31.01.2023, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.15/2023 of Payyannur Police Station which was registered for the offences punishable under Sections 341, 323, 324, 506, 452, 427 and 308 of the Indian Penal Code.

2. The prosecution case is that, on 04.01.2023 at 19.30 hours, the accused, who is the uncle of the defacto complainant, trespassed into the house of the defacto complainant, wrongfully

restrained him and assaulted him with a wooden stick. It is also alleged that, later he came with a knife and intimidated the defacto complainant to do away with him and when he tried to stab with a knife, the wife of the defacto complainant intervened and the

petitioner allegedly pulled her down by catching on her hair. The petitioner also allegedly committed mischief by breaking the window glasses of the house and causing some damage to the car belonging to the defacto complainant. The crime was registered in such circumstances and this application is submitted by the petitioner seeking anticipatory bail.

3. Sri. B. Muhammed Shaheel, the learned counsel appearing

for the petitioner submits that, the petitioner is innocent of all the allegations. According to him, the incident occurred on the 41 st day of the demise of the sister of the petitioner, who is the mother of the defacto complainant. The altercation occurred due to some property disputes and according to him the defacto complainant who is an officer in the Army, assaulted the petitioner as well, in which he also sustained serious injuries. To substantiate the same, the learned counsel for the petitioner relies on the Annexure A2 certificate issued from the Taluk Hospital, Payyannur, on 5.01.2023.

4. On the other hand the learned Public Prosecutor would

oppose the prayer sought by the petitioner. However, it is pointed out by the learned Public Prosecutor that, the recovery of the weapons allegedly used by the petitioner is already affected.

5. After considering all the relevant aspects, I am of the view

that the interest of justice would be served, if the cooperation of the petitioner is ensured for the investigation, which is in progress. This is mainly because, from the records, it appears that there are certain disputes between the parties, who are close relatives. No serious injuries were seen sustained by any of the victims, and the weapon is also recovered. The custodial interrogation of the petitioner appears to be not necessary. In such circumstances, this bail application is disposed of by directing the petitioner to surrender before the Investigating Officer subject to the following directions/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/- (Rupees One Lakh only) 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 Friday until the filing of the final report. v) The petitioner shall also appear before the Investigating Officer as and when required by him. vi) The petitioner shall not commit any offence of like 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 Jurisdictional Court. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A JUDGE rpk APPENDIX OF

BAIL APPL. 448/2023 PETITIONER ANNEXURES Annexure A1 THE CITIZEN
COPY OF THE FIR IN CRIME NO. Annexure A2 THE OP SHEET ISSUED FROM
TALUK HOSPITAL PAYYANNUR

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com