

Arjun Ayangi vs State of Kerala Represented by the Public Prosecutor

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Court : Kerala

Decided On : Jan-31-2023

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

Appeal No. : Bail Appl./637/2023

Appellant : Arjun Ayangi

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.
TUESDAY, THE 31ST DAY OF JANUARY 2023 / 11TH MAGHA, 1944
CRIME NO.9/2023 OF THRISSUR RAILWAY POLICE STATION
PETITIONER/ACCUSED: ARJUN AYANGI AGED 25 YEARS S/O.
RAJEEVAN. A, AYANGI (H), KAPPAKKADAV, AZHEEKKAL,
AZHEEKKODE, KANNUR DISTRICT , PIN - 670009 BY ADVS.
M.ANUROOP MURSHID ALI M. RESPONDENT/COMPLAINANT:
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA (IN CR.NO.9/2023 OF THRISSUR
RAILWAY POLICE STATION) BY ADV ADV M P PRASHANTH - PP
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

31.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail. The petitioner is the sole accused in Crime No.9/2023 of Thrissur Railway Police Station, which was registered for the offences punishable under Sections 353, 354, 294(b) of the Indian Penal Code and also under Section 119(b) of Kerala Police Act.

2. The prosecution case is that on 15.01.2023, the petitioner, while

travelling from Kannur to Ernakulam, in a train, misbehaved, verbally abused and molested the defacto complainant, who is a lady TTR in the same train. The crime was registered in such circumstances. The learned counsel for the petitioner contends that the petitioner is innocent of all the allegations. According to him, while he was travelling in the said train, there was a male T.T.R. named Madhu, and according to the petitioner, he was drunk while on duty. The petitioner questioned the same which resulted in an altercation between the petitioner and the said T.T.R. and during the course of which the said T.T. R. slapped the petitioner. The petitioner later submitted a complaint before the railway authorities, as evidenced by Annexure A1. According to the petitioner, the registration of this crime is a counterblast to the complaint that he submitted online.

3. Therefore, the learned counsel for the petitioner seeks an order

granting anticipatory bail.

4. The learned Public Prosecutor would seriously oppose the aforesaid prayer and the contentions raised by the petitioner. According to

the learned Public Prosecutor, the statement given by the defacto complainant would reveal specific instances of assault, indicating the commission of the offences alleged against him. It is also pointed out that the petitioner is a habitual offender and is already involved in five other cases. The details of the aforesaid crimes are furnished before this Court which are as follows:

1) Valapattanam PS Cr.1159/17 u/s 143, 147, 148, 452, 427, 506(1) r/w 149 IPC. 2) Valapattanam PS Cr.1058/17 u/s 143, 147, 148, 452, 427, 501(1) r/w 149 IPC. 3) Valapattanam PS Cr.1160/17 u/s 143, 147, 148, 452, 427, 506(1) r/w 149 IPC. 4) Valapattanam PS Cr.1165/17 u/s 143, 147, 148, 452, 427, 506(1), 308 r/w 149 IPC. 5) Karipur PS Cr.262/2022 u/s 399, 120(B), 212 IPC.

In such circumstances, the learned Public Prosecutor seeks to dismiss the bail application.

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

from both sides. Even though the petitioner contends that the crime was registered against the petitioner only as a counterblast to the complaint that he submitted in Annexure A, a perusal of the First Information Statement would reveal that it contains specific allegations as to the acts allegedly committed by the petitioner. Therefore, I am of the view that it is a matter of investigation. Considering the fact that the petitioner is a person having antecedents, I am of the view that this is not a case in which the powers of this Court under Section 438 of Cr.P.C. can be invoked. However, the cooperation of the petitioner with the investigation is to be ensured and for which the petitioner has to surrender before the investigation officer. Therefore, even though I am not inclined to grant an order of anticipatory bail, this bail application can be disposed of, directing the petitioner to surrender before the investigation officer within a period of two weeks from today.

In the result, this application is disposed of with the following directions:-

i The petitioner shall surrender before the Investigation officer, within a period of two weeks from the date of the order, for subjecting himself to interrogation; ii Upon such surrender and after interrogation, if any, the petitioner shall be produced by the investigation officer before the Judicial First Class Magistrate having jurisdiction on the very same day of surrender itself to enable the petitioner to seek bail, provided the petitioner surrendered before the Investigation Officer, before 11. a.m, of

the day; iii The Judicial First Class Magistrate, upon production of the accused and filing of an application for bail, may consider the bail application in accordance with the law, and, if possible, dispose of the same on the very same day of filing of the said application. The Bail Application is disposed of with the above directions.

Sd/- ZIYAD RAHMAN A.A. JUDGE scs APPENDIX OF BAIL APPL. 637/2023
PETITIONER ANNEXURES Annexure A1 THE SCREEN SHOT OF THE
COMPLAINT FILED BY THE PETITIONER DATED 15-01-2023

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