

**XXXX vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1334598](https://sooperkanoon.com/1334598)

**Court :** Kerala Orders

**Decided On :** Feb-15-2023

**Judge :** Honourable Mr.Justice V.G.Arun

**Appeal No. :** CRL.A/111/2023

**Appellant :** XXXX

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN  
WEDNESDAY, THE 15TH DAY OF FEBRUARY 2023 / 26TH MAGHA,  
1944 AGAINST THE ORDER IN CRMP 2983/2022 OF DISTRICT  
COURT & SESSIONS COURT,KOTTAYAM APPELLANT/S:  
XXXXXXXXXXXX BY ADVS. M.B.SHYNI V.R.ANILKUMAR RAJESH  
KUMAR R. RAMEES P.K. ERFANA PARAMBADAN SARAFUDHEEN T.  
RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC  
PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN -  
682031 2 XXXXXXXXXXXX OTHER PRESENT: PP M.C.ASHI THIS  
CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON  
15.02.2023, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

## **O R D E R**

Dated this the 15th day of February, 2023 The appellant is the accused in 2296/2022 of the Kottayam

West Police Station. The Crime was registered on the allegation that, on 15.11.2022, while the de facto complainant was traveling along with her parents in an auto rickshaw, the petitioner intercepted the vehicle, destroyed the de facto complainants mobile phone, snatched their child from the custody of the de facto complainant and later tortured the child by pouring chicken curry on its face. The offences alleged in the FIR are punishable under Sections 498A , 506(ii) of Indian Penal Code, Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 3(1)(s) and 3(2)

(v) of Scheduled Castes and the Scheduled Tribes (Prevention

of Atrocities) Amendment Act, 2015. The petitioner was arrested on 9.12.2022. His application for bail before the trial court was rejected on 23.12.2022. Hence, this appeal.

2. Learned counsel for the appellant contended that the

allegations are false and the crime is registered at the instance of the appellants wife, due to her enmity in connection with matrimonial disputes. It is contended that petitioner is in custody from 9.12.2022 onwards and there is no justification for denying bail, and the petitioner will abide by any condition imposed by this court.

3. Learned Public Prosecutor stoutly opposed the prayer

for bail pointing that the petitioner is a history sheeter involved in number of crimes, which had promoted the competent authority to initiate proceedings under the Kerala Anti-social Activities (Prevention) Act, 2007.

4. In spite of the forceful submissions put forth by the learned counsel for the petitioner, I am not inclined to grant bail to the petitioner, considering his

involvement in other also, wherein the allegations include commission of offences punishable under Sections 395,326 and 308 of Indian Penal

Code. The petitioner's antecedents indicate that his enlargement at this point of time may endanger the de facto complainant and the small child. Although learned counsel for the petitioner submitted that the petitioner is willing to keep away from the limits of Police Station within which his wife and child are residing, I am not convinced that, even such a condition would be sufficient to ensure their safety. I also take note of the submission of the learned Public Prosecutor that the investigation is over and charge sheet is filed.

For the aforementioned reasons the appeal is dismissed. Sd/- V.G ARUN JUDGE  
SJ

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