

**Jerin vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1335123](https://sooperkanoon.com/1335123)

**Court :** Kerala

**Decided On :** Feb-28-2023

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

**Appeal No. :** Bail Appl./908/2023

**Appellant :** JERIN

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.  
TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA,  
BAIL APPL. NO. 908 OF 2023 [CRIME NO.790/2022 OF  
VECHOOCHIRA POLICE STATION, PATHANAMTHITTA]  
PETITIONER/S: 1 JERIN AGED 24 YEARS S/O. JOHN,  
MANTHANATHU HOUSE, THOMPIKANDAM P.O, VALIYAPATHAL,  
PATHANAMTHITTA DISTRICT., PIN - 2 SHYAM AGED 19 YEARS S/O.  
ANIL KUMAR, MANTHANATHU HOUSE, THOMPIKANDAM P.O,  
VALIYAPATHAL, PATHANAMTHITTA DISTRICT, PIN - 3 ANILKUMAR  
AGED 46 YEARS S/O. RAMACHANDRAN, MANTHANATHU HOUSE,  
THOMPIKANDAM P.O, VALIYAPATHAL, PATHANAMTHITTA

DISTRICT., PIN - 689676 BY ADV K.SHAJ RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE STATION HOUSE OFFICER VECHOOCHIRA POLICE STATION, PATHANAMTHITTA DISTRICT., PIN - 686511 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: ADV C S HRITHWIK - SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2 :

## **ORDER**

Dated this the 28th day of February, 2023 The petitioners are accused Nos.1 to 3 in crime No.790/2022 of Vechoochira Police Station. The offences alleged against the petitioners are under Sections 452, 294(b), 323, 324 and 354, read with Section 34 of the Indian Penal Code.

2. The prosecution case is as follows: The 1 st accused is

the son of the sister of the 3rd accused, and the 2nd accused is the son of the 3rd accused. It is alleged that, due to previous enmity towards the defacto complainant, on 26.12.2022 at 9.30 p.m., the petitioners trespassed into the house of the defacto complainant, dragged the daughter of the defacto complainant, and when the defacto complainant resisted, the 1st accused uttered obscene words to the defacto complainant and slapped on his right cheek. It is further alleged that 3rd accused also uttered obscene words and kicked his abdomen. The 2nd accused beat him with his hands several times. The 1st accused also caused an injury to the palm of both hands of the defacto complainant by using a sickle, which was taken from underneath the bed of the defacto complainant. The crime was registered in such circumstances . The petitioners submit this application for anticipatory bail as they apprehend arrest in :3 : connection with the investigation.

3. The contention put forward by the learned counsel for

the petitioners is that the petitioners are falsely implicated in this case. It is pointed out that there were some disputes between the 3rd petitioner and the defacto

complainant in connection with the relationship between his wife and the defacto complainant. It is also pointed out that the defacto complainant is a person who has been accused in several criminal cases and has always been a person causing problems to neighbours. It is pointed out that the petitioners do not have any criminal antecedents, and they are prepared to abide by any conditions that this Court may impose.

4. On the other hand, the learned Public Prosecutor would

oppose the said application for bail. It is pointed out that there is a specific allegation that the petitioners have attempted to drag the daughter of the defacto complainant out of her residence, and all the incidents occurred following the same. It is pointed out that now the investigation is in progress, and if the release of the petitioners is ordered, it is likely to affect the said investigation.

5. I have gone through the records and heard the

contentions raised from both sides. One of the specific contentions is that the 3rd petitioner and the defacto complainant are in inimical terms in view of some relationship between the wife of the 3rd petitioner and the defacto complainant. On going through the statement of the defacto complainant, there is some indication as to the existence of such relationship. Moreover, on going through the records, it is seen that no serious injuries were sustained by any of the victims. The only non-bailable offence is under Section 354 of the Indian Penal Code, and on perusal of the entire materials placed on record, I do not find any sexual intention behind the act based on which the said offence is incorporated. Apparently, there was a scuffle between the parties at the relevant time. Thus when considering all the materials placed on record, I am of the view that interest of justice would be served if the cooperation of the petitioners is ensured with the investigation for which they will appear before the investigating officer. In such circumstances, this bail application is disposed of with the following directions:

(1) The petitioners shall surrender before the Investigating Officer, within a period of two weeks from today, for subjecting themselves to interrogation.

(2) After interrogation, the petitioners 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.

(3) The petitioners shall fully cooperate with the investigation, :5 : including subjecting themselves to the deemed police custody for the purpose of recovery, if any, as and when demanded.

(4) The petitioners shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m every Saturday until the filing of the final report.

(5) The petitioners shall also appear before the Investigating Officer as and when required.

(6) The petitioners shall not commit any offence of similar nature while on bail.

(7) The petitioners 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.

(8) The petitioners 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 ncd :6 : APPENDIX OF BAIL APPL. 908/2023 PETITIONER ANNEXURES ANNEXURE A1 THE TRUE COPY OF THE FIR IN CRIME NO.790/2022 OF VECHOOCHIRA POLICE STATION, PATHANAMTHITTA DISTRICT. Annexure2 THE CERTIFIED COPY OF THE ORDER IN CRIMINAL M.P NO.6440/2022 DATED COURT, PATHANAMTHITTA.

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