

Manoj vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2023

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

Appeal No. : Bail Appl./1448/2023

Appellant : MANOJ

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. 1448 OF 2023 [CRIME NO.105/2023 OF MELUKKAVU
POLICE STATION, KOTTAYAM] PETITIONER/S: MANOJ S/O.
THAMPY, AGED 45 YEARS, ELLICKAL HOUSE,KONNIPPADU KARA,
MELUKAVU VILLAGE, KOTTAYAM DISTRICT, PIN - 686652 BY ADVS.
P.C.HARIDAS P.S.GOVIND RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 2 THE STATION HOUSE
OFFICER, MELUKAVU MELUKAVU POLICE STATION, KOTTAYAM
DISTRICT, PIN - 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 petitioner is the sole accused in crime No.105/2023 of Melukkavu Police Station. The offences alleged against the petitioner are under Sections 294(b), 354 and 323 of the Indian Penal Code.

2. The prosecution case is that on 25.01.2023 at 7 p.m.,

while the victim was waiting for the arrival of her daughter at the roadside, the petitioner approached her, caught hold of her hand and uttered obscene words and questioned her as to why she had blown the mobile torch towards his house. Later, when the defacto complainant attempted to wriggle out, the petitioner had beaten up on her face by using a torchlight and thereby causing injuries to her. The crime was registered in such circumstances. This application is submitted by the petitioner seeking anticipatory bail as he apprehends arrest.

3. The learned counsel for the petitioner submits that the

petitioner is innocent of all the allegations. According to the petitioner, there were certain disputes between the parties which :3 : escalated into scuffle. It is the case of the petitioner that the defacto complainant used to blow torch light towards his house and the entire incident stemmed up from the same. The petitioner submits that he is prepared to abide by any conditions and that he would cooperate with the investigation.

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

oppose the aforesaid contentions. According to him, there are specific allegations against the petitioner, and the investigation is in the preliminary stage. Therefore, the learned Public Prosecutor seeks for dismissal of the application for bail.

5. I have gone through the records and heard the

contentions raised from both sides. It is discernible from the records that the defacto complainant sustained no serious injuries. The only non bailable offence alleged against is under Section 354 of the Indian Penal Code, and from the nature of allegations, it can be seen that apparently there was no sexual intention behind the same. It appears that the incident occurred during a scuffle, and the matter is now under investigation. Thus, considering all the relevant aspects, I am of the view that the interest of justice would be served if the cooperation of the petitioner with the investigation is ensured, for which the petitioner has to surrender before the investigating officer. :4 : In such circumstances, this bail application is disposed of with the following directions:

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

(2) 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.

(3) 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.

(4) The petitioner 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 petitioner shall also appear before the Investigating Officer as and when required.

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

(7) 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.

(8) The petitioner shall not leave the State of Kerala without

the permission of the Jurisdictional Court. :5 : 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. 1448/2023 PETITIONER ANNEXURES Annexure-A TRUE COPY OF THE F.I.R NO. 105/2023 OF MELUKAVU POLICE STATION Annexure-B TRUE COPY OF THE ORDER DATED 10/02/2023 IN CRL. M. P. NO. 302/2023 OF THE SESSIONS COURT, KOTTAYAM

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