

Ranjith M.S vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-28-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./1989/2023

Appellant : Ranjith M.S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 28TH DAY OF MARCH 2023 / 7TH CHAITHRA, 1945
BAIL APPL. NO. 1989 OF 2023 CRIME NO.369/2023 OF
NEDUMANGAD POLICE STATION PETITIONER/ACCUSED: RANJITH
M.S AGED 36 YEARS S/O SURESH,SUBADRA BHAVAN,
VALUKONAM, KULAPPADA P.O, UZHAMALACKAL,
THIRUVANANTHAPURAM, PIN - 695542 BY ADV LATHEESH
SEBASTIAN RESPONDENT/STATE: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031 BY SR.PUBLIC PROSECUTOR
SMT.T V NEEMA THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 28.03.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: BAIL APPL. NO.1989 OF 2023 2

ORDER

Dated this the 28th day of March, 2023 Anticipatory bail plea, at the instance of the sole accused in Crime No.369/2023 of Nedumangad Police Station, is the crux of this petition.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused the relevant documents including the wound certificate and treatment record pertaining to the de facto complainant.

4. The prosecution case is that, at about 20 hrs on

28.2.2023, when the de facto complainant questioned abuse against the mother of the de facto complainant's friend, the accused herein abused the de facto complainant and manhandled. The specific allegation is that, the accused caught hold on the neck of the de facto complainant and slapped on his face. Thereafter, he kicked him down and when the de facto complainant fell down, he beat on his left hand, by using an iron

BAIL APPL. NO.1989 OF 2023 3 piece and the same caused fracture to his little finger. This is the base, on which, prosecution alleges commission of offences punishable under Sections 294(b), 323, 324, 326 and 427 of the Indian Penal Code. The further allegation is that, the accused also destroyed the mobile phone of the de facto complainant made of Oppo company, to the tune of Rs.8,000/-.

5. The learned counsel for the petitioner would submit that

the de facto complainant is the aggressor and he started the quarrel without any base and the accused when resisted, the de facto complainant fell down and sustained injuries. According to the learned counsel for the petitioner, the petitioner did not use any weapons. Further, the fracture is trivial in nature.

Therefore, he pressed for grant of anticipatory bail, with offer to co-operate with investigation.

6. Whereas, the learned Public Prosecutor read out the

overt acts and fracture 5th metacarpal left hand along with multiple contusions, sustained by the de facto complainant. While opposing bail, the learned Public Prosecutor submitted that arrest, custodial interrogation and recovery of weapon, are absolutely necessary to accomplish meaningful investigation and successful

BAIL APPL. NO.1989 OF 2023 4 prosecution. The learned Public Prosecutor also pointed out that the petitioner is a person, having criminal antecedents and he has involvement in 3 more crimes and one among the said crimes is of the year 2023 itself and this is the second crime, the petitioner got involved in 2023.

7. On perusal of the First Information Statement, the

specific allegation against the petitioner is that, he caught hold on the neck of the de facto complainant and slapped on his face. Thereafter, he kicked him down and beat on his left hand, by using an iron piece. In the treatment record of the de facto complainant, 'fracture 5th metacarpal left hand along with multiple contusions', could be gathered, to substantiate the allegation as to commission of offence punishable under Section 326 of the Indian Penal Code,

by the petitioner. The following are the criminal antecedents reported in relation to the petitioner: 1.Nedumangad PS Cr.5791/2020 U/S 294(b), 323, 324 & 34 IPC
2.Aryanad PS Cr.79/2014 U/S 323, 341, 427, 325 IPC

3. Cr.427/2023 U/S 451, 294(b), 323, 506(i), 427 IPC In fact, in this case, arrest, custodial interrogation and recovery of weapon, are inevitable part of investigation, to

BAIL APPL. NO.1989 OF 2023 5 accomplish meaningful prosecution. Therefore, this is not a case of anticipatory bail and therefore, the bail application stands dismissed. Sd/- A. BADHARUDEEN JUDGE Bb