

Ummer Ubaid vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./3789/2023

Appellant : Ummer Ubaid

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 CRIME NO.164 OF 2023 OF NATTUKAL POLICE STATION, PALAKKAD AGAINST THE ORDER/JUDGMENTMC 1579/2023 OF ADDITIONAL DISTRICT COURT (ADHOC), PALAKKAD

PETITIONER/ACCUSED: UMMER UBAID AGED 29 YEARS S/O. ABDUL RAHMAN, KARADEN HOUSE, EDATHUNATTUKARA P.O., THADIYAM PARAMBU, MANNARKKAD TALUK, PALAKKAD DISTRICT, PIN - 678601 BY ADVS. K.M.FIROZ M.SHAJNA
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED

BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
PP- SMT.SREEJA V. THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- B.A.No. 3789 of 2023
----- Dated this the 30th day of June, 2023

ORDER

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.164 of 2023 of Nattukal Police Station, Palakkad District, alleging offences under Sections 341, 323, 326, 294(b) and 506 of the Indian Penal Code, 1860.

3. According to the prosecution, on 31-03-2023 at about 4.45

pm, the accused after abusing the defacto complainant, assaulted him with a wooden rod resulting in injury on his head and lips and thereby committed the offences alleged.

4. Sri.Firoz K.M., the learned counsel for the petitioner

contended that the prosecution allegations are false and that incident as alleged had not occurred. It was further submitted that the petitioner is willing to abide by any conditions that may be imposed upon him.

5. Smt.Sreeja V., the learned Public Prosecutor pointed out

that serious injuries were sustained by the defacto complainant including two broken teeth and an injury on the forehead, and that custodial interrogation is essential.

6. A perusal of the wound certificate reveals that several

injuries, including a broken incisor as well as broken canine teeth was inflicted on the defacto complainant. There are further injuries also inflicted on the forehead of the defacto complainant. Taking into consideration, the nature of the injuries inflicted, I am of the view that this is not a fit case where the petitioner can be released on anticipatory bail.

7. However, if the petitioner surrenders before the

investigating officer on 06-07-2023, he shall be subject to investigation and if the investigating officer proceeds to arrest him, he shall be produced before the jurisdictional Magistrate without delay. In the event of any application for bail being filed, the same shall be considered in accordance with law. Accordingly, this bail application is dismissed. BECHU KURIAN THOMAS JUDGE AJM

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