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Sumesh, vs State of Kerala,

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Court : Kerala Orders

Decided On : Sep-20-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./4386/2023

Appellant : Sumesh,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P. WEDNESDAY, THE 20TH DAY OF SEPTEMBER 2023 / 29TH BHADRA, 1945 BAIL APPL. NO. 4386 OF 2023 CRIME NO.936 OF 2023 OF PUNALUR POLICE STATION, KOLLAM PETITIONERS/ACCUSED NO.1 & 2: SUMESH, AGED 45 YEARS 1 SON OF SADANANDAN, SANTHOSH BHAVAN, VIJU VISWAMBARAN, AGED 46 YEARS 2 SON OF VISWAMBARAN, MULLASSERI HOUSE, BY ADV R.KRISHNAKUMAR (CHERTHALA) RESPONDENTS/STATE & COMPLAINANT: STATE OF KERALA, 1 REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 STATION HOUSE OFFICER, 2 PUNALUR POLICE STATION, PUNALUR, KOLLAM DISTRICT, PIN - 691305 OTHER PRESENT: SMT.T.V.NEEMA,SR.PP THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 20.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

ORDER

th Dated this the 20 day of September, 2023 Apprehending arrest in Crime No.936 of 2023 of Punalur Police Station, Kollam, registered for offences under Sections 294(b), 324, 452 and 307 r/w 34 of the Indian Penal Code, the accused Nos.1 and 2 have filed this petition.

2. The prosecution allegation is that on 27.05.2023 at

about 8.30 p.m. when the anniversary of Kakkode Library was going on, the 2nd petitioner beat the complainant on his cheek in front of the above library and in order to settle the issue, the complainant and his friends reached the house of the 1 st petitioner in the wee hours of 28.05.2023, and thereupon the petitioners without any provocation, rushed towards them with a knife and caused injuries in the left leg and the 2 nd petitioner using knife caused injuries in the middle finger in the left hand

of the complainant and attacked others and thereby committed the aforementioned offences.

3. The learned counsel appearing for the petitioners and the learned Public Prosecutor were heard. :3:

5. Taking into account the allegations made against the

petitioners, the 2nd accused had also participated along with the 1st accused on the date of the incident, after perusing the wound certificate made available by the learned Public Prosecutor, which shows serious injuries to the defacto complainant, I am of the view that the petitioners are not entitled to get anticipatory bail as it will adversely affect a proper investigation.

6. Therefore, the following directions are issued:-

In the event the petitioners surrender before the Investigating Officer in two weeks, they shall be interrogated and thereafter, shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If the petitioners move for bail, the court below shall, untrammelled by any of the observations in this order, consider the bail application on merits as expeditiously as possible. If the petitioners do not surrender before the Investigating Officer, as directed above, the Investigating Officer will be free to arrest the :4:

petitioners as if no order has been passed in this case. The bail application is disposed of as above. Sd/- MOHAMMED NIAS C.P., JUDGE mtk

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