

Pradeep.M vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-27-2023

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

Appeal No. : Bail Appl./4793/2023

Appellant : Pradeep.M

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 27TH DAY OF JUNE 2023 / 6TH ASHADHA, 1945
CRIME NO.434/2023 OF ENATHU POLICE STATION,
PATHANAMTHITTA PETITIONER/ACCUSED: PRADEEP.M AGED 41
YEARS, S/O. P.K.MUTHAPPAN, PALAVILAYIL, ELANGAMANGALAM,
ENATHU.P.O., PATHANAMTHITTA, PIN - 691526 BY ADVS. SUMAN
CHAKRAVARTHY AMJATH A.R RESPONDENT/STATE: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, PIN - 682031 BY ADV. ADV. SEETHA S - SR.PUBLIC
PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 27.06.2023, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING:

ORDER

The petitioner is the accused in Crime No.434/2023 of Enathu Police Station. The offences alleged against the petitioner are under Sections 447, 294(b), 324, 326 and 307 of IPC.

2. The prosecution case is that, on 11.06.2023 at 3.45 p.m.,

the petitioner assaulted the defacto complainant, by using a wooden stick, thereby causing serious injuries to her. The crime was registered in such circumstances, and as the petitioner apprehends arrest in connection with the investigation of the said case, this application for anticipatory bail is submitted.

3. Heard Sri.Suman Chakravarthy, learned counsel appearing for the petitioner and Smt.Seetha S., learned Public Prosecutor for the State.

4. The learned counsel for the petitioner submits that the

petitioner is innocent of all the allegations. According to him, a false case has been foisted against him. It is also pointed out that there are no materials to attract the offences under Sections 326 and 307 of IPC. It is also pointed out by the learned counsel for the petitioner that the incident occurred without any premeditation. The petitioner is ready and willing to cooperate with the investigation and shall abide by any conditions that may be imposed by this Court.

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

oppose the aforesaid application by pointing out that there are materials for attracting the offence under Sections 326 and 307 of IPC. The victim was hit on her head, thereby sustaining severe injuries. Besides the same, she also sustained a fracture of her facial bone due to the assault committed by the petitioner using the wooden log. In such circumstances, the dismissal of the bail application was sought.

6. I have gone through the records. It is discernible from

the records that there are specific allegations against the petitioner. Serious injuries were sustained to the defacto complainant consequent to such assaults. The details of the injuries were clearly discernible from the materials placed on records. In such circumstances, considering the serious nature of the allegations, I do not find this as a fit case in which anticipatory bail can be granted. Accordingly, this application is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE scs

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