

Dhaneesh vs State of Kerala

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Court : Kerala Orders

Decided On : Oct-30-2023

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

Appeal No. : Bail Appl./9206/2023

Appellant : Dhaneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
MONDAY, THE 30TH DAY OF OCTOBER 2023 / 8TH KARTHIKA, 1945
BAIL APPL. NO. 9206 OF 2023 CRIME NO.1069 OF 2023 OF
KANNANALLOOR POLICE STATION, KOLLAM
PETITIONER/ACCUSED: DHANEESH AGED 25 YEARS, S/O
DHARMARAJAN CHIRAYIL VEEDU, CHEERIKONAM,
THRIKKOVILVATTOM VILLAGE, KANNANALLOOR PO KOLLAM
(DIST)-, PIN - 691576 BY ADV M.RAJESH
RESPONDENTS/COMPLAINANT: STATE OF KERALA 1 HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 THE STATION HOUSE
OFFICER KANNANALLOOR POLICE STATION KANNANALLOOR PO,

KOLLAM (DIST), PIN - 691576 BY SMT.T.V.NEEMA, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
B.A.No.9206 of 2023 :2:

ORDER

Dated this the 30th day of October, 2023 Apprehending arrest in Crime No.1069 of 2023 of Kannanalloor Police Station, Kollam, registered for offences under Sections 341, 294(b), 324 and 308 of the Indian Penal Code, the accused has filed this petition.

2. The prosecution allegation is that on 22.08.2023 at

about 2.45 p.m., the accused wrongfully restrained the injured Shiju and attacked his head with a stick. Due to the blow, the victim sustained injuries on his head. The accused thereby committed the aforementioned offences.

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

4. Considering the allegations against the petitioner and also the injuries allegedly inflicted, which are seen from the wound certificate dated 22.8.2023, I am not inclined to grant anticipatory bail as it will adversely affect a proper investigation.

5. Therefore, the following directions are issued:- B.A.No.9206 of 2023 :3: In the event the petitioner surrenders before the

Investigating Officer in two weeks, he shall be interrogated and thereafter, shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If the petitioner moves 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 petitioner does not surrender before the Investigating Officer, as directed above, the Investigating Officer will be free to arrest the petitioner 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 B.A.No.9206 of 2023 :4: APPENDIX OF BAIL APPL. 9206/2023 PETITIONER ANNEXURES THE TRUE COPY OF THE FIR IN CRIME NO. Annexure 1 THE CERTIFIED COPY OF THE ORDERS OF THE Annexure 2 HON'BLE PRINCIPAL SESSIONS JUDGE, KOLLAM DATED 15.09.2023 IN CRL MC NO. 1864/2023

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