

Sreejith Alias Vava vs State of Kerala

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Court : Kerala

Decided On : Nov-01-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./9373/2023

Appellant : Sreejith Alias Vava

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023 / 10TH
KARTHIKA, 1945 BAIL APPL. NO. 9373 OF 2023 CRIME NO.1376/2023
OF Thiruvalla Police Station, Pathanamthitta PETITIONER/ACCUSED:
SREEJITH ALIAS VAVA AGED 31 YEARS S/O OMANAKUTTAN,
KONDOOR MEPRATH HOUSE, NJALBHAGOM MURI, KAVIYOOR,
THIRUVALLA-, PIN - 689582 BY ADV M.R.SASITH

RESPONDENT/STATE/COMPLAINANT: STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 SRI
VIPIN NARAYAN sR PP) THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 01.11.2023, THE COURT ON THE SAME DAY DELIVERED

ORDER

This is an application for anticipatory bail.

2. Petitioner is the accused in Crime No.1376/2023 of

Thiruvalla police station, Pathanamthitta district, alleging commission of offences under Sections 452, 294(b), 354, 323, 506 and 427 r/w.34 of the Indian Penal Code.

3. Allegation against the petitioner is that, on

10.10.2023, at about 11.00 pm, the petitioner trespassed into the house of the de facto complainant, with an intention to attack and humiliate the de facto complainant and using abusive words, caught hold of the de facto complainant and tore her clothes . It is alleged that, when the brother of the de facto complainant came to her rescue, the petitioner attacked the brother of the de facto complainant and destroyed a wardrobe, causing a financial loss of Rs.8,000/-.

4. Learned counsel appearing for the petitioner submits

that the petitioner and the de facto complainant are neighbours. It is submitted that there is a dispute between the petitioner and the de facto complainant regarding a common pathway. It is submitted that a false case has been registered against the petitioner on account of civil disputes between the petitioner and the de facto complainant. It is submitted that

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even if all the allegations are accepted to be true, the offence under Section 354 IPC would not be attracted as there is no allegation to

suggest that the petitioner had outraged the modesty of the de facto complainant. It is submitted that no criminal antecedents are reported against the petitioner. It is submitted that custodial interrogation of the petitioner is not necessary for the purposes of investigation into the crime registered against the petitioner. It is submitted that, apart from the offences under Sections 452 and 354 of the Indian Penal Code, no other non-bailable offences are alleged against the petitioner.

5. Learned Public Prosecutor opposes the grant of bail.

It is submitted that the First Information Statement of the de facto complainant contains specific allegations which would attract the offences alleged against the petitioner. However, it is confirmed that no criminal antecedents are reported against the petitioner. It is also submitted that there is nothing to suggest that there are civil disputes between the parties.

6. Having heard the learned counsel for the petitioner

and the learned Public Prosecutor and considering the facts and circumstances of the case, I am of the opinion that anticipatory bail can be granted to the petitioner subject to strict conditions. BAIL APPL. NO. 9373 OF 2023 4

No criminal antecedents are reported against the petitioner. According to the petitioner, there are disputes regarding the use of a common pathway used by the petitioner and the de facto complainant. Prima facie, there appears to be merit in the contention taken by the learned counsel appearing for the petitioner that the offence under Section 354 IPC may not be attracted. Therefore, I am inclined to grant anticipatory bail to the petitioner. In the result, this application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in crime No.1376/2023 of Thiruvalla police Station subject to the following conditions:-

(i) Petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer;

(ii) Petitioner shall appear before the investigating officer in Crime No.1376/2023 of Thiruvalla Police station every Saturday at 11.00 AM till 30.11.2023 and thereafter, as and when summoned to do so;

(iii) The petitioner shall not attempt to contact the de facto complainant or to interfere with the investigation or to influence or intimidate any witness in Crime No. 1376/2023 of Thiruvalla BAIL APPL. NO. 9373 OF 2023 5 police station;

(iv) The petitioner shall not involve in any other crime

while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No.1376/2023 of Thiruvalla police station may file an application before the jurisdictional court, for cancellation of bail. It is made clear that the observations in this order are only for the purposes of considering the entitlement of the petitioner to bail and shall not be treated as a finding by this Court on any aspect of the matter. Sd/-
GOPINATH P. JUDGE

ajt

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