

Firos vs State of Kerala

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Court : Kerala

Decided On : Jan-04-2023

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./10629/2022

Appellant : FIROS

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
WEDNESDAY, THE 4TH DAY OF JANUARY 2023 / 14TH POUSHA,
1944 Crime No. 962/2022 of Ochira Police Station, PETITIONER/2ND
ACCUSED: FIROS, AGED 47 YEARS S/O. ABDU KUNJU
PINARUMMOOTTIL VEEDU, PAYIKKUZHI OCHIRA PO,
KARUNAGAPPALLY, KOLLAM, PIN - 690526. BY ADVS.
SADCHITH.P.KURUP C.P.ANIL RAJ SIVA SURESH
RESPONDENT/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2
THE STATION HOUSE OFFICER, OCHIRA POLICE STATION
KOLLAM, PIN - 690526.

OTHER PRESENT: PP - NIMA JACOB THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: VIJU ABRAHAM, J BA No.10629 of 2022 th Dated this the 4 day of January 2023

ORDER

This is an application for regular bail. nd

2. The petitioner has been arrayed as the 2 accused in Crime No. 962/2022 of Ochira Police Station, alleging commission of offences punishable under Sections 294(b), 308, 323, 324, 326 and 34 of the IPC.

3. The prosecution case is that on 27.11.2022 at around 10.30 pm, accused persons attacked the defacto

complainant and caused injuries and attempted to cause culpable homicide not amounting to murder. According to the prosecution, A1 slapped on the face of the injured Akhil and thereafter attacked him with a broken beer bottle aiming at his head and when Akhil tried to avoid the said attack on his head, it hit on his left ear causing injuries on his left ear. When the de-facto complainant tried to prevent the said attack against Akhil, the petitioner punched on the nose of the de- facto complainant and kicked him on his back. A1 had beaten

the defacto complainant on his shoulder and thereby the accused have committed the aforesaid offences.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner submitted that

the petitioner has been falsely implicated in the aforesaid crime and he was arrested on 01.12.2022 and is in custody since then. The learned counsel further submitted that the first accused is already granted bail by the Sessions Court in Crl.M.C.No.2684/2022.

6. The learned Public Prosecutor opposed the

application for bail mainly contending that serious overtact is alleged against the petitioner and the defacto complainant sustained fracture on the nasal bone but submitted that the petitioner has no other criminal antecedents.

7. Considering the facts and circumstances of the case and the nature of the allegations and considering the fact that the petitioner is in custody from 01.12.2022 onwards and that he has no other criminal antecedents, I am inclined to grant

bail to the petitioner but taking into consideration the seriousness of the allegation the same shall only be on stringent conditions. In the result, the bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:

(i) The petitioner shall execute a 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 jurisdictional court;

(ii) Petitioner shall appear before the investigating officer in Crime No. 962/2022 of Ochira Police Station, on every Saturday at 11 am, until filing of the final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the defacto complainant or any witness in Crime No.

(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. 962/2022 of Ochira Police Station, may file an application before the jurisdictional court, for cancellation of bail. Sd/- VIJU ABRAHAM, JUDGE R.AV

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