

Anilkumar , vs State of Kerala,

Anilkumar , vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1439992

Court : Kerala

Decided On : Jan-27-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./50/2022

Appellant : Anilkumar ,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 27TH DAY OF JANUARY 2022 / 7TH MAGHA, 1943
BAIL APPL. NO. 50 OF 2022 Crime No.2151/2021 of Naruvamoodu
Police Station PETITIONER/ACCUSED No.2: ANILKUMAR , AGED 49
YEARS S/O. GOPALAN, AKHIL BHAVAN,
CHATHALAMPATTUKONAM, PALICHAL VILLAGE,
VEDIVACHANKOVIL, NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM, PIN 695 501. BY ADV M.R.SASITH

RESPONDENT: STATE OF KERALA, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN 682031. OTHER
PRESENT: SMT. SEETHA .S. (SR.PP) THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 27.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.50/2022 -2-

ORDER

The petitioner is the accused in Crime No.2151/2021 of Naruvamoodu Police Station, Thiruvananthapuram District alleging commission of offences under Sections 323, 324, 294 (b), 307 read with 34 of the Indian Penal Code.

2. The allegation is that he along with the other accused assaulted the de facto complainant when the de facto complainant questioned them regarding the consumption of alcohol in front of the house of the de facto complainant.

3. The learned counsel for the petitioner submits that the allegation

against the petitioner is that when the de facto complainant questioned the act of the petitioner and the other accused in front of his house the 1st accused attacked the de facto complainant using a chopper and that the petitioner/2nd accused had slapped and kicked on his abdomen. It is submitted that the petitioner is absolutely innocent in the matter and the main allegations are against the 1st accused, the petitioner may be released on bail in the event of arrest.

4. The learned Public Prosecutor on instructions would submit going by

the statement given by the de facto complainant he was attacked by the petitioner and the other accused and had he not evaded the attack the same would have resulted in severe injuries to him. I have also been shown a copy of the wound certificate.

5. Having regard to the facts and circumstances of the case and

considering the nature of the allegation against the petitioner, I am of the view that the petitioner can be granted bail subject to conditions, since his custody may not be required for the purpose of investigation. I also note that no serious injuries are B.A. No.50/2022 -3- reported by the de facto complainant. In the result, this bail application is allowed. It is directed that the petitioner shall be released on bail, in

the event of arrest in connection with Crime No.2151/2021 of Naruvamoodu Police Station subject to the following conditions:-

(i) 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 report before the Investigating officer in Crime No.2151/2021 of Naruvamoodu Police Station at 9 a.m on 02-02-2022 and thereafter whenever called upon to so;

(iii) Petitioner shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.2151/2021 of Naruvamoodu Police Station;

(iv) 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.2151/2021 of Naruvamoodu Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com