

Vaishnav vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-27-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./58/2022

Appellant : Vaishnav

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. 58 OF 2022 CRIME NO.2383/2021 ARYANAD POLICE
STATION PETITIONER/ACCUSED: VAISHNAV, AGED 27 YEARS S/O.
SUDEVAN, OMANA GEETHA BHAVAN, SEETHAMKUZHY,
URIYAKODE P.O., THIRUVANANTHAPURAM-695543. BY ADV
M.R.SARIN RESPONDENTS/DEFACTO COMPLAINANTS: 1 STATE
OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM-682031. 2 THE CIRCLE
INSPECTOR OF POLICE, ARYANADU POLICE STATION,
THIRUVANANTHAPURAM- 695542. 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: ..2..

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in Crime No. 2383 of 2021 of Aryanad

Police Station, Thiruvananthapuram District, which was registered alleging commission of offences under Sections 341, 294(b), 323, 324, 325 and 308 of the Indian Penal Code .

3. The allegation against the petitioner is that he attacked the de facto

complainant owing to some disputes with the de facto complainant and stabbed him thrice using a knife and while the de facto complainant attempted to escape, he fell down, as a result of which, he also lost two of his teeth and thereby, the petitioner committed the offences alleged against him.

4. The learned counsel for the petitioner would submit that the

petitioner is absolutely innocent in the matter. It is submitted that the injuries caused to the de facto complainant are not so serious so as to invoke Section 308 of the Indian Penal Code against the petitioner. It is further submitted that the custodial interrogation of ..3.. the petitioner is not necessary in the facts and circumstances of the case.

5. The learned Public Prosecutor, with reference to the wound

certificate in respect of the de facto complainant, would point out that the de facto complainant had suffered fairly deep injuries by the attack of the petitioner using knife. It is submitted that the de facto complainant had also lost two of his teeth and had not the de facto complainant received

medical attention immediately, he might have lost his life and therefore, the provisions of Section 308 of the IPC was correctly invoked as against the petitioner. The learned Public Prosecutor also points out that there are criminal antecedents insofar as the petitioner is concerned.

6. Having regard to the facts and circumstances of the case and considering the nature of the injuries suffered by the de facto complainant, I am not inclined to grant anticipatory bail to the petitioner.

7. At this point of time, the learned counsel for the petitioner submits

that the petitioner may be given an opportunity to surrender before the jurisdictional court. Having regard to the said submission of the ..4.. learned counsel, it is directed that if the petitioner surrenders before the jurisdictional court on or before 31.01.2022, bail application, if any, filed by him shall be considered with notice to the learned Public Prosecutor by that court without any delay.

The bail application is dismissed, with the above direction. Sd/- GOPINATH P. JUDGE bka/27.01.2022

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