

Nivil vs State of Kerala

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Court : Kerala

Decided On : Mar-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./83/2022

Appellant : NIVIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943
PETITIONERS: 1 NIVIL AGED 25 YEARS S/O. WILSON,
CHERUKUZHIIYIL HOUSE, KEERIPPARA, KONGAD, MANIKKASSERI,
PALAKKAD-678631. 2 ANEESH C.R., AGED 29 YEARS S/O.
RAMANKUTTY, CHARIPPURATH PARAMB, KEERIPPARA, KONGAD,
MANIKKASSERI, PALAKKAD-678631. BY ADV T.K.SANDEEP
RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031.
SRI. M.C. ASHI (PP) THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 07.03.2022, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING:

ORDER

Petitioners are the accused in Crime No.811/2021 of Kongadu Police Station, Palakkad district alleging commission of offences under Sections 341, 323, 324, 308, 506 read with 34 of the IPC.

2. The allegation against the petitioner is that, the

petitioner attacked the defacto complainant at the temple festival of Sree Dharmasastha temple, Manikkassery with a wooden reaper fixed affixed with a nail. It is submitted that owing to the attack by the petitioners, the defacto complainant had suffered serious injuries including on his chest and on his head.

3. Learned counsel for the petitioners submits that the

petitioners are absolutely innocent in the matter. It is submitted that only a wordy altercation took place between the petitioners and the defacto complainant and the petitioners had no occasion, whatsoever, to attack the defacto complainant. It is submitted that the incident took place at the time when a temple festival was being conducted. It is also submitted that the petitioners have no criminal antecedents.

4. Learned Public Prosecutor opposes the grant of bail. It

is submitted that fairly serious injuries were caused to the defacto complainant. He refers to the wound certificate to point out the nature of the injuries suffered by the defacto complainant. It is submitted that the petitioners are not entitled to be released on bail. The learned counsel for the petitioners would submit that the first petitioner is serving as a Naval Cadet. It is submitted that this may be a factor in considering the grant of anticipatory bail to him. It is also submitted that the custodial interrogation of the petitioners may not be necessary considering the facts and circumstances of the case.

5. Having regard to the facts and circumstances of the case, I am of the opinion that the petitioners can be granted anticipatory bail subject to conditions.

6. In the result, this bail application is allowed. It is

directed that the petitioners shall be released on anticipatory bail, in the event of their arrest in connection with Crime No.811/2021 of Kongadu Police Station subject to the following conditions:-

(i) Petitioners shall execute separate bonds 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) Petitioners shall appear before the investigating officer in Crime No.811/2021 of Kongadu Police Station at 10.00 AM on 14.03.2022 and 15.03.2022 and thereafter whenever called upon to do so;

(iii) Petitioners shall not enter the local limits of Kongadu Police Station except for the purpose of compliance with condition No.2 above till 30.06.2022.

(iv) Petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.811/2021 of Kongadu Police Station;

(v) Petitioners shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.811/2021 of Kongadu Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AJ

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