

Pradeep vs State of Kerala

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Court : Kerala

Decided On : Jan-31-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./172/2022

Appellant : Pradeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 31ST DAY OF JANUARY 2022 / 11TH MAGHA, 1943
BAIL APPL. NO. 172 OF 2022 CRIME NO.1644/2021 OF Punalur Police
Station, Kollam PETITIONERS/ACCUSED NOS.1 TO 3: 1 PRADEEP,
AGED 44 YEARS S/O.SURENDRAN, NIRAPPIL VEEDU,
VENCHEMBU, KOLLAM DISTRICT - 691 333. 2 ADARSH, AGED 19
YEARS, S/O.PRADEEP, NIRAPPIL VEEDU, VENCHEMBU, KOLLAM
DISTRICT - 691 333. 3 PRASANNAN AGED 65 YEARS
S/O.KARUNAKARAN, LAKSHMI BHAVAN, VENCHEMBU, KOLLAM
DISTRICT - 691 333. BY ADVS. MANOJ RAMASWAMY CHINNU ROSE
MARY THOMAS RESPONDENT/S: 1 STATE OF KERALA

REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 THE STATION HOUSE OFFICER PUNALUR POLICE STATION, KOLLAM DISTRICT - 691 305. SRI.M.C. ASHI, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.172/2022 -2-

ORDER

The petitioners are the accused in Crime No.1644/2021 of Punalur Police Station, Kollam District alleging commission of offences under Sections 294 (b), 323, 324, 326 and 506 of the Indian Penal Code.

2. The allegation against the petitioners is that they attacked the

de facto complainant and caused serious injuries to him including fracture of the shoulder bone and deep incised wound using dangerous weapons such as a sword, knuckle duster and also an iron pipe. Pending this bail application the 1st petitioner was arrested and therefore this bail application in so far as it relates to the 1st petitioner has become infructuous.

3. The 2nd petitioner is the son of the 1st petitioner. He is aged 19

years and is a student of S.N. College, Punalur. It is submitted by the learned counsel for the petitioners that the 2 nd petitioner is having scheduled University exams, some of which have been postponed on account of COVID-19 situation. It is submitted that the petitioners are absolutely innocent in the matter and the allegations have been raised only on account of the political rivalry between the de facto complainant and the 1st petitioner. It is submitted that the 3rd petitioner is 65 years of age and that the detention of the petitioners 2 & 3 may not be necessary for the purpose of any investigation.

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4. The learned Public Prosecutor vehemently opposes the grant of

bail. It is submitted that the de facto complainant had suffered serious injuries. Reference is made to wound certificate issued to the de facto complainant. It is submitted that the incident occurred at around 8.15 p.m and the de facto complainant was admitted to hospital at about 9.10 p.m. It is submitted that the petitioners had attacked the de facto complainant using dangerous weapons and therefore the petitioners are not entitled to bail. It is submitted that the arrest of the 1 st petitioner alone may not be

sufficient as the custodial interrogation of petitioners 2 & 3 is also necessary in the matter.

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

taking into account the nature of allegations against the petitioners and also taking note of the fact that the 2 nd petitioner is a 19 year old student and also taking into account the fact that the 3 rd petitioner is aged 65 years, I am of the opinion that the purpose of investigation can be served by granting a limited custody of petitioners 2 and 3 to the police for the purpose of investigation.

In the result, this bail application is allowed in so far as it relates to petitioners 2 & 3. Petitioners 2 & 3 shall be released on bail, in the event of arrest in connection with Crime No.1644/2021 of Punalur Police Station B.A. No.172/2022 -4- subject to the following conditions:-

(i) Petitioners 2 & 3 shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioners 2 & 3 shall co-operate with the investigation and

shall report before the Investigating officer in Crime No.1644/2021 of Punalur Police Station at 9 a.m on 02-02-2022, 03-02-2022 and 04-02- 2022 and thereafter whenever called upon to do so;

(iii) Petitioners 2 & 3 shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime

No.1644/2021 of Punalur Police Station;

(iv) Petitioners 2 & 3 shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.1644/2021 of Punalur Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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