

**Sivalal vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1441587](https://sooperkanoon.com/1441587)

**Court :** Kerala

**Decided On :** Feb-24-2022

**Judge :** Honourable Mr. Justice Gopinath P.

**Appeal No. :** Bail Appl./225/2022

**Appellant :** Sivalal

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA,  
1943 PETITIONER/S: SIVALAL AGED 26 YEARS  
MEKKUMKARAPUTHANVEEDU, KUZHIVILA, NEYYARDAM P.O,  
THIRUVANANTHAPURAM THIRUVANANTHAPURAM, PIN - 695572  
BY ADVS. RINU. S. ASWAN S.SUDHEESH S. RAJEEV  
RESPONDENT/S: STATE OF KERALA REPRESENTED BY CIRCLE  
INSPECTOR OF POLICE, NEYYAR DAM POLICE STATON THROUGH  
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA AT  
ERNAKULAM ERNAKULAM, PIN - 682031 BY ADV PUBLIC  
PROSECUTOR OTHER PRESENT: SRI. T.R. RENJITH (SR.PP) THIS

BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **ORDER**

Petitioner is the 8th accused in Crime No.1466/2021 of the Neyyar Dam Police Station, Thiruvananthapuram district alleging commission of offences under Sections 141, 143, 144, 147, 149, 294(b), 452, 324, 427 and 308 of the IPC.

2. The allegation against the petitioner is that, he along with

the other accused in the case trespassed into the house of the defacto complainant owing to previous animosity with the defacto complainant and attacked the defacto complainant and also destroyed the house-hold articles worth Rs.3,00,000/- belonging to the defacto complainant.

3. Learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter. It is submitted that

the petitioner has been falsely implicated in the matter. It is submitted that, in the FIS of the defacto complainant, the name of the petitioner is not mentioned. It is submitted that the petitioner has been subsequently arrayed as an accused owing to animosity of the defacto complainant and also the Police personnel attached to

the Neyyar dam Police Station. It is also submitted that the petitioner has no criminal antecedents.

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

submitted that the allegations against the petitioner are serious. It is submitted that the specific allegation against the petitioner is that he along with the other accused destroyed the house-hold articles belonging to the defacto complainant. It is also submitted that all the other accused in the case were arrested and the petitioner is not entitled to be released on anticipatory bail.

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

and also taking into account the fact that his mother is stated to be a cancer patient and his father is also stated to be seriously ill (See Annexure-2 and Annexure-3) and there is no one else to take care of them, I am of the view that the petitioner can be granted anticipatory bail subject to conditions. I am also of the view that the interest of the prosecution can be served by directing the petitioner to appear before the investigating officer on specified dates.

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

that the petitioner shall be released on anticipatory bail, in the event of his arrest in connection with Crime No.1466/2021 of the Neyyar Dam 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 appear before the investigating officer in Crime No.1466/2021 of the Neyyar Dam Police Station at 10:00 AM on 03.03.2022 and 04.03.2022 and thereafter whenever called upon to do so.

(iii) Petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.1466/2021 of the Neyyar Dam 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.1466/2021 of the Neyyar Dam Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/- GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 225/2022  
PETITIONER ANNEXURES Annexure1 THE TRUE COPY OF THE FIR IN CR. NO. 1466 OF 2021 OF NEYYAR DAM POLICE STATION DATED 15.07.2021  
Annexure2 A TRUE COPY OF THE MEDICAL CERTIFICATE OF THE PETITIONERS MOTHER BY THE MCH, TRIVANDRUM DATED 20.12.2021  
Annexure3 A TRUE COPY OF THE DISCHARGE SUMMARY OF THE PETITIONERS FATHER ISSUED BY THE C.S.I MEDICAL COLLEGE &

HOSPITAL DATED NIL Annexure4 A TRUE COPY OF CT SCAN REPORT OF  
THE PETITIONERS FATHER DATED 27.05.2021

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