

Vinod 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./289/2022

Appellant : VINOD

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
AGAINST THE ORDER IN CRMP 8/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS ,ALATHUR PETITIONERS: 1 VINOD AGED 22
YEARS S/O.JAYARAM, KIZHAKKEPALAYAM, VADAKKENCHERRY,
PALAKKAD. 2 SIVADASAN AGED 30 YEARS S/O.ARUMUGHAN,
KIZHAKKEPALAYAM, VADAKKENCHERRY, PALAKKAD. BY ADV
V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM - 682 031. SMT. SEETHA .S. (SR.PP) THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: GOPINATH.P, J ----- B.A. No.289 of
2022 ----- Dated this the 31st day of January, 2022

ORDER

Petitioners are the accused Nos. 1 and 2 in Crime No.1289/2021 of the Vadakkencherry Police Station alleging commission of offences under Sections 341, 324, 506(ii), 307 read with 34 of IPC and under Section 5 read with 27(1) of Arms Act.

2. The allegation against the petitioners is that, the

petitioners along with the other accused in the case, in furtherance of a common object formed themselves into an unlawful assembly and armed with deadly weapons attempted to commit murder of the defacto complainant by wrongfully restraining him and causing hurt.

3. Learned counsel for the petitioners would submit that the

first petitioner was arrested on 15.12.2021 and the second petitioner was arrested on 18.12.2021. It is submitted that the case was registered only on account of political rivalry and that the petitioners are absolutely innocent in the matter. It is submitted that at any rate, continued detention of the petitioners is not necessary, in the facts and circumstances of the case. It is pointed out that injuries allegedly sustained by the defacto complainant are minor.

4. Learned Public Prosecutor on instructions would

vehemently opposed the grant of bail. It is submitted that both petitioners have criminal antecedents. It is submitted that three cases are registered against the first petitioner. It is submitted that in the year 2020, a case alleging commission of offences under Section 308 of the IPC and in the year 2021, two cases alleging commission of offences under 379 of the IPC have been registered against the first petitioner. Learned Public Prosecutor also points out that the defacto complainant was attacked because he had given evidence against the third and

fourth accused in this case, in a matter involving in a commission of offences punishable under Section 302 of the IPC. In so far as the second petitioner is concerned, it is pointed out that earlier he is alleged to have formed part of an unlawful assembly and committed the offence

punishable under Section 324 of the IPC. It is submitted that the release of petitioners on bail may not be conducive for the prosecution.

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

and considering the fact that the petitioners have been in custody from 15.12.2021 and 18.12.2021 respectively and also considering that their continued detention may not be necessary for the purpose of any investigation and being convinced that their criminal antecedents by itself do not lead me to conclude that they are not entitled to be released on bail, I am inclined to allow this application.

6. In the result this bail application is allowed. It is directed that the petitioners shall be released on bail, subject to the following conditions:-

(i) The 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 as in Crime No.1289/2021 of Vadakkencherry Police Station at 11:00 AM on every Monday and Saturday until filing of final report in Crime No.1289/2021 of Vadakkencherry Police Station.

(iii) The petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.1289/2021 of Vadakkencherry Police Station.;

(iv) The 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.1289/2021 of Vadakkencherry Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/- GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 289/2022
PETITIONERS ANNEXURES AnnexureA TRUE COPY OF THE ORDER IN
CRL.M.P.NO.8/2022 OF COURT OF JUDICIAL FIRST CLASS MAGISTRATE-I,
ALATHUR DATED 05.01.2022.

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