

Ananthu vs State of Kerala

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Court : Kerala

Decided On : Feb-03-2022

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./297/2022

Appellant : Ananthu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V.
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,
1943 CRIME NO.900/2021 OF KARUNAAGAPALLY POLICE STATION,
KOLLAM PETITIONER/2ND ACCUSED: ANANTHU AGED 21 YEARS
S/O.LAVALATH LAL, ANANDU NIVAS, MARUNOORKULANGARA
THEKK, ALUMKADAV P.O., KARUNGAPPALLY, KOLLAM DISTRICT,
PIN - 690 573. BY ADVS. JOSEPH GEORGE BIJO THOMAS GEORGE
RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682 031. SRI.P.G.MANU-SR.PP THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 03.02.2022, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Apprehending arrest in connection with Crime No.900/2021 of Karunagappally Police Station, Kollam District registered for the offences punishable under Sections 143, 147, 294(b), 341, 323, 324, 332, 353, R/w 149 of the Indian Penal Code, this petitioner has moved this application under Section 438 of the Code of Criminal Procedure.

2. The prosecution allegation is that on 25.06.2021 at

about 17.45 hours, the defacto complainant along with the police personnel attached to the Karunagappally Police Station proceeded to the residence of the 1st accused for an enquiry with respect to a complaint received from one person against the 1 st accused. At that time this petitioner along with the other accused have formed themselves into an unlawful assembly and with the object to obstruct them from discharging their official duties, attacked them and caused injuries and thereby committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that

this petitioner, who is aged only 21 years is totally innocent of the allegations levelled against him. It is also pointed out by the learned counsel that the defacto complainant has not sustained any injuries as alleged by the prosecution. The petitioner has no criminal antecedents but he apprehends arrest in this case as the defacto complainant is a police personnel.

4. The learned Public Prosecutor submits that the investigation of the case is over and charge sheet has been submitted before the jurisdictional court as early as on 16.12.2021. It is fairly submitted by the learned Public Prosecutor that

custodial interrogation is not required in the case, as investigation is already over and charge sheet has been submitted before the jurisdictional court. Moreover, this petitioner is aged only 21 years and he has absolutely no criminal antecedents. It is also to be noted that the earlier application filed by this petitioner

was disposed of by this Court on 30.09.2021, but till date he was not apprehended by the investigating agency. Taking into account of all these facts, I am inclined to grant pre-arrest bail to him subject to the following conditions:

(i) The petitioner shall be released on bail on executing

a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the investigating officer in the event of his arrest.

(ii) He shall co-operate with the trial of the case.

(iii) He shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court.

(iv) He shall not commit any offence while on bail.

In case of violation of any of the above conditions, the jurisdictional court is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE
mpm

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