

Vijayakumar vs State of Kerala

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Court : Kerala

Decided On : Feb-15-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./353/2022

Appellant : Vijayakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 15TH DAY OF FEBRUARY 2022 / 26TH MAGHA, 1943
PETITIONERS: 1 VIJAYAKUMAR AGED 58 YEARS 2 LALI.A.C AGED
56 YEARS 3 VIJI VIJAYAN AGED 27 YEARS BY ADVS. J.R.PREM
NAVAZ SUMEEN S. RESPONDENT: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR
SRI. M.C. ASHI (PP) THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 15.02.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: GOPINATH.P, J -----
B.A. No.353 of 2022 ----- Dated this the 15th day of

February, 2022

ORDER

Petitioners are the accused in Crime No.1415 of 2021 of Kunnikode Police Station, Kollam district alleging commission of offences under Section 323, 452, 354, 294(b) read with 34 of IPC.

2. The allegation is that, the first petitioner took the father-in-

law of the defacto complainant to consume alcohol and while dropping him home, abused the defacto complainant and assaulted her and when she cried out, accused Nos. 2 and 3 who are the wife and daughter of the first petitioner/first accused assaulted the defacto complainant and thereby they committed the offence alleged against them.

3. Learned counsel for the petitioners would submit that the petitioners are absolutely innocent in the matter. It is submitted that the defacto complainant had some issue with her father-in-law

and she had filed a complaint against her father-in-law. It is submitted that the first petitioner/first accused is on friendly terms with the father-in-law of the defacto complainant and the present complaint is filed only on account of the same. It is submitted that considering the nature of allegations of the case, custodial interrogation of the petitioners is not necessary in the matter.

4. Heard the learned Public Prosecutor also.

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

and considering the nature of allegations against the petitioners, I am of the view that a proper investigation in Crime No.1415 of 2021 of Kunnikode Police Station can be carried out without custodial interrogation of the petitioners.

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) 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.1415 of 2021 of Kunnikode Police Station as and when called upon to do so;

(iii) Petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.1415 of 2021 of Kunnikode Police Station;

(iv) 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.1415 of 2021 of Kunnikode Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 353/2022 PETITIONER ANNEXURES Annexure1 TRUE COPY OF THE FIR & FIS

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