

Manu vs State of Kerala

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Court : Kerala

Decided On : Feb-08-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./389/2022

Appellant : MANU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 8TH DAY OF FEBRUARY 2022 / 19TH MAGHA, 1943
BAIL APPL. NO. 389 OF 2022 CRIME NO.18/2022 OF KUNNIKODE
POLICE STATION, KOLLAM RURAL PETITIONER/2ND ACCUSED:
MANU AGED 32 YEARS S/O.OMANAKUTTAN, PARAKKATHUNDIL
HOUSE, PANTHALPLAVU P.O., POOKUNNIMALA, KOLLAM
DISTRICT. BY ADV MANOJ RAMASWAMY
RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 682 031. 2 THE STATION HOUSE OFFICER
KUNNIKODE POLICE STATION, KOLLAM DISTRICT - 691 508.

OTHER PRESENT: ADV SEETHA -PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.389/2022 2

ORDER

This is an application for anticipatory bail.

2. The petitioner is the 2nd accused in Crime No.18/2022 of

Kunnikode Police Station, Kolam Rural, alleging commission of offences under Sections 143, 147, 148, 294(b), 323, 324, 308, 506(ii) and 149 of the Indian Penal Code.

3. The allegation against the petitioner is that he along with the other accused assaulted the de facto complainant with a stone causing serious injury to his left ear.

4. The learned counsel for the petitioner submits that the de facto

complainant had some issues with the 1 st accused in the case and when the petitioner herein with other friends (including 1 st accused) were playing Volleyball, the de facto complainant came there with others and tried to attack the 1st accused. It is submitted that the petitioner and other friends of the 1st accused had intervened and tried to send away the de facto complainant, who was fully drunk. It is submitted that the injury was caused when the de facto complainant had fallen down and the same was

not on account of any attack by the petitioner and the others. It is submitted that taking into account the nature of the allegations, the custodial interrogation of the petitioner is not necessary.

5. The learned Public Prosecutor on instructions submits that

B.A.No.389/2022 3 according to the information given by the de facto complainant, the petitioner and his friends used to have Ganja in the locality in question and when this was questioned by the de facto complainant, he was attacked by the

petitioner and the other accused in the case. However, it is confirmed that the injuries reported by the de facto complainant are minor.

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

considering the nature of the allegations against the petitioner, I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

7. In the result, this application is allowed. It is directed that the petitioner shall be released on anticipatory bail, in the event of arrest in Crime No.18/2022 of Kunnikode Police Station subject to the following conditions:-

(i) Petitioner shall execute 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. 18/2022 of Kunnikode Police Station at 9 a.m. On 14.2.2022 and thereafter, whenever called upon to do so;

(iii) Petitioner shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No. 18/2022 of Kunnikode Police Station; B.A.No.389/2022 4

(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.18/2022 of Kunnikode Police Station may file an application before the jurisdictional Court for cancellation of bail. sd/- GOPINATH P. JUDGE acd

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