

Aneesh vs State of Kerala

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Court : Kerala

Decided On : Feb-11-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./427/2022

Appellant : Aneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 11TH DAY OF FEBRUARY 2022 / 22ND MAGHA, 1943 CRIME
NO.442 OF 2021 OF ENATHU POLICE STATION
PETITIONER/ACCUSED: ANEESH, AGED 38 YEARS,
S/O.SADANANDAN, ANEESH BHAVAN, NELLIMUKAL P.O.,
KADAMBANAD NORTH, PATHANAMTHITTA - 691 551. BY ADV
C.Y.VINOD KUMAR RESPONDENTS/COMPLAINANT AND I.O: 1
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2 THE STATION
HOUSE OFFICER ENATHU POLICE STATION, ENATHU P.O.,
PATHANAMTHITTA - 691 526. BY SRI. NOUSHAD K.A. (SR.PP) THIS

BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in Crime No.442 of 2021 of

Enathu Police Station, alleging commission of offences under Sections 294(b), 341, 324, and 354 of the Indian Penal Code. The allegation against the petitioner is that on 02.06.2021, the petitioner restrained the husband of the de-facto complainant, slapped him on his cheek and also pushed down the de-facto complainant and abused her in a filthy language and thereby he committed the offences alleged against him.

3. The learned counsel for the petitioner submits that

there was a wordy altercation between the petitioner and the husband of the de-facto complainant owing to the fact that while reversing a pick up van, the petitioner happened to dislodge some stones in the property of the de-facto complainant. It is submitted that the petitioner had not assaulted the de-facto complainant or her husband in any manner. It is also submitted that the petitioner had not used any obscene words.

4. The learned Public Prosecutor, on instructions, submits

that going by the First Information Statement of the de-facto complainant, the petitioner had pushed her down and had assaulted her husband and had also used obscene words. It is submitted that the investigation in the matter is progressing.

5. Having regard to the facts and circumstances of the

case, I am of the view that in the nature of the allegations against the petitioner, his custodial interrogation is not necessary for a proper investigation into the

above crime.

6. In the result, this application is allowed and it is directed

that the petitioner shall be released on bail, in the event of his arrest in connection with Crime No.442 of 2021 of Enathu Police Station, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the Jurisdictional Court;

(ii) The petitioner shall appear before the investigating officer in Crime No.442 of 2021 of Enathu Police Station at 09.00AM on 21.02.2022 and thereafter, whenever called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the de-facto complainant or any witness in Crime No.442 of 2021 of Enathu Police Station;

(iv) The 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.442 of 2021 of Enathu Police Station, may file an application before the Jurisdictional Court, for cancellation of bail. Sd/- GOPINATH P. JUDGE DK

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