

Prince vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-24-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./465/2022

Appellant : Prince

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA,
1943 PETITIONERS: 1 PRINCE AGED 21 YEARS 2 SHAHUL HAMEED
AGED 24 YEARS BY ADV T.K.SANDEEP RESPONDENT: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC
PROSECUTOR SRI. T.R. RENJITH (SR.PP) THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 24.02.2022, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioners are the accused in Crime No.7/2022 of Kalladikode Police Station, Palakkad district alleging commission of offences under Sections 323, 324, 326, 508 read with 34 of the IPC.

2. The allegation against the petitioners is that, the petitioners attacked the defacto complainant owing to previous animosity arising out of an issue which happened in a bar where

the defacto complainant was working. It is alleged that on 02.01.2022 at about 9.45 PM, the petitioners attacked the defacto complainant and caused serious injuries including a fracture on the skull of the defacto complainant.

3. Learned counsel for the petitioners would submit that

the entire allegations are false. It is submitted that the petitioners had no occasion to attack the defacto complainant. It is submitted that there were some issues between the defacto complainant and others and he might have sustained injuries on account of the issue with other persons, whose names are mentioned in paragraph 3 of the bail application. It is submitted that, at any rate, custodial interrogation of the petitioners is not necessary in the matter for the purpose of any investigation.

4. Learned Public Prosecutor opposes the grant of bail. It

is submitted that going by the information given by the defacto complainant, the petitioners had brutally attacked him using a knuckle duster. It is submitted that the injuries occasioned to the defacto complainant corresponds with the allegations raised against the petitioners. It is submitted that custodial interrogation

of the petitioners is absolutely necessary in the matter. It is submitted that fairly serious injuries were occasioned to the defacto complainant and the petitioners are not entitled to be released on anticipatory bail. Having regard to the the fact and circumstances of the case

and considering the fact that the defacto complainant had clearly identified the petitioners as the persons who attacked him, and noticing that serious injuries

including fracture of skull was occasioned to the defacto complainant, I am not inclined to grant anticipatory bail to the petitioners. In the result this application fails and dismissed.

Sd/- GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 465/2022
PETITIONER ANNEXURES Annexure I A TRUE COPY OF THE FIR IN 07/2022
OF KALLADIKODE POLICE STATION, PALAKKAD DIST DATED 04.01.2022.

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