

Ajayakumar vs State of Kerala

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Court : Kerala

Decided On : Feb-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./478/2022

Appellant : Ajayakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 14TH DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943
BAIL APPL. NO. 478 OF 2022 AGAINST THE ORDER IN CRMC
3233/2021 OF ADDITIONAL SESSIONS COURT - VI,
THIRUVANANTHAPURAM CRIME NO.1855/2021 OF NAGAROOR
POLICE STATION PETITIONER/ACCUSED NO.2: AJAYAKUMAR
AGED 60 YEARS S/O. KARUNAKARAN, MANNOORBHAGAM,
ALAMCODU PO, ATTINGAL VILLAGE, THIRUVANANTHAPURAM 695
101 BY ADV M.R.SARIN

RESPONDENT/DE FACTO COMPLAINANT : 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF

KERALA ERNAKULAM 682 031 2 THE STATION HOUSE OFFICER,
NAGAROOR POLICE STATION, NAGAROOR,
THIRUVANANTHAPURAM SMT. SEETHA .S. (SR.PP) THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 14.02.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
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ORDER

This is an application for anticipatory bail.

2. Petitioner is the 2nd accused in Crime No.1855/2021 of Nagaroor police station alleging commission of offences under Sections 341, 323, 324, 326 r/w. 34 of the Indian Penal Code.

3. Allegation against the petitioner is that the

petitioner along with the 1st accused in the case accosted the de facto complainant when he was riding a motor cycle and pushed him down and kicked him. It is alleged that the petitioner was the one who pushed down the de facto complainant while the 1st accused in the case allegedly attacked him using a granite stone, causing fracture.

4. Learned counsel appearing for the petitioner

submits that the petitioner is a 60 year old man and the allegations are totally baseless. It is submitted that petitioner had attempted to intervene in a dispute between the de facto complainant and the 1st accused and he had been wrongly implicated in the matter. It is submitted that at any rate, custodial interrogation of the petitioner is not required in the

facts and circumstances of the case.

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5. Learned Public Prosecutor opposes the grant of bail.

It is submitted that there are serious allegations against the petitioner and that the provisions of Section 326 of the Indian Penal Code are also attracted. It is submitted that the de facto complainant suffered serious injuries and the petitioner cannot absolve himself of liability by saying that he had only intervened to prevent a fight between the 1st accused and the de facto complainant. It is submitted that the First Information Statement of the de facto complainant clearly reveals the role of the petitioner.

6. Having regard to the facts and circumstances of the

case and considering the fact that the petitioner is a 60 year old man, I am of the opinion that anticipatory bail can be granted to the petitioner subject to strict conditions. I note that the specific allegation against the petitioner is that he pushed down the de facto complainant from his bike. In the result, this application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in crime No.1855/2021 of Nagaroor 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 BAIL APPL. NO. 478 OF 2022 4 the likesum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall appear before the investigating officer in Crime No.1855/2021 of Nagaroor Police station at 09.00 am on 21.02.2022 and 22.02.2022 and thereafter, as and when called upon to do so;

(iii) The 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. 1855/2021 of Nagaroor 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.1855/2021 of Nagaroor police station may file an application before the jurisdictional Court, for cancellation of bail. It is made clear that this order will not enable the 1st accused to seek anticipatory bail on similar terms as this order is issued taking note of the age of the petitioner and the specific allegation raised against him by the de facto complainant. sd/- GOPINATH P. JUDGE

ajt

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