

Aji vs State of Kerala

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Court : Kerala

Decided On : Apr-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./482/2022

Appellant : AJI

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 7TH DAY OF APRIL 2022 / 17TH CHAITHRA, 1944
CRIME NO.1013/2021 OF PATHANAPURAM POLICE STATION
PETITIONER/1ST ACCUSED: AJI, AGED 35 YEARS, S/O.
KUNJIRAMAN, SUDHA VILASOM, MANIYARA, MALOOR COLLEGE
P.O, PATTAZHY VAAKKEDARA VILLAGE, KOLLAM - 689 695. BY ADV
VINOY VARGHESE KALLUMMOOTIL
RESPONDENTS/COMPLAINANT/STATE: 1 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM - 31. 2 THE STATION HOUSE OFFICER,
PATHANAPURAM POLICE STATION, KOLLAM DISTRICT. BY

SRI.M.C.ASHI, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail.

2. The petitioner is the 1st accused in Crime No.1013 of

2021 of Pathanapuram Police Station, alleging commission of offences under Sections 341, 294(b), 308 and 324 read with Section 34 of the Indian Penal Code. The allegation against the petitioner is that the petitioner along with the other accused in the case attacked the de-facto complainant on 22.09.2021 at about 09.00PM. It is alleged that the de-facto complainant was hacked with a sword aiming at his neck, which was evaded by the de-facto complainant, but however hit on his shoulder and

caused injuries. It is also alleged that the accused have also alleged to have attacked the father of the de-facto complainant, who suffered injuries on his forehead and his left ear.

3. The learned counsel for the petitioner would submit

that the petitioner is absolutely innocent in the matter. It is submitted that there is a dispute between the petitioner and the de-facto complainant. It is submitted that actually the de-facto complainant and others had trespassed into the house of the

petitioner and had attacked his father and himself, as a result of which, the petitioner had filed Annexure - A1 complaint on 07.12.2021. It is submitted that owing to the attack by the de- facto complainant and others, the petitioner and his father suffered serious injuries, which is evident from Annexures A2 and A3. It is submitted that the 2 nd accused in the case has already been granted bail by this Court through order in Bail Application No.9450 of 2021.

4. The learned Public Prosecutor opposes the grant of

bail. The circumstances of the case appearing against the petitioner are pointed out. It is submitted that the father of the petitioner, who was granted bail by this Court was actually granted regular bail and not anticipatory bail. It is submitted that the recovery is not yet effected and the custody of the petitioner is absolutely imperative for completion of investigation.

5. Having regard to the facts and circumstances of the

case and considering the fact that no criminal antecedents are reported against the petitioner, I am of the view that the petitioner can be granted anticipatory bail subject to conditions. I also note that the 2nd accused in the case has already been granted bail (regular) by this Court.

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.1013 of 2021 of Pathanapuram 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 arresting officer;

(ii) The petitioner shall appear before the investigating officer in Crime No.1013 of 2021 of Pathanapuram Police Station at 10.00AM on 12.04.2022 and 13.04.2022 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.1013 of 2021 of Pathanapuram 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.1013 of 2021 of Pathanapuram Police Station may file an application before the Jurisdictional Court, for cancellation of bail. Sd/- GOPINATH P. JUDGE DK