

Shinod vs State of Kerala

Shinod vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1443701

Court : Kerala

Decided On : Feb-01-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./486/2022

Appellant : Shinod

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 1ST DAY OF FEBRUARY 2022 / 12TH MAGHA, 1943
BAIL APPL. NO. 486 OF 2022 Crime No.10/2022 of Parassala Police
Station PETITIONER/ACCUSED: SHINOD AGED 31 YEARS S/O.
SOMAN, RESIDING AT S. L. BHAVAN, PARUTHIVILA,
DHANUVACHAPURAM, KOLLAYIL VILLAGE, NEYYATTINKARA
TALUK, THIRUVANANTHAPURAM DISTRICT, PIN - 695 503. BY
ADVS. J.R.PREM NAVAZ SUMEEN S.

RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. OTHER
PRESENT: SRI. T.R. RANJITH (SR.PP) THIS BAIL APPLICATION HAVING

COME UP FOR ADMISSION ON 01.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.486/2022 -2-

ORDER

The petitioner is the accused in Crime No.10/2022 of Parassala Police Station, Thiruvananthapuram District alleging commission of offences under Sections 294 (b), 452, 323, 324, 354 & 427 read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioner is that he along with the other

accused trespassed into the house of the de facto complainant and after uttering obscene words, the 1st accused assaulted the husband of the de facto complainant using a stick and when the de facto complainant attempted to interfere, she was assaulted by accused Nos. 1 & 2. It is also alleged that accused Nos. 3 to 5 destroyed a window pane of the house of the de facto complainant causing a damage to the tune of Rs.10,000/-.

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

complainant is a serving police constable. It is submitted that there are some disputes between the petitioner and other accused and the husband of the de facto complainant which led to registration of a false crime against the petitioner. It is submitted that the specific allegations are against accused Nos. 1 & 2 and the only allegation against the petitioner is that he along with accused Nos. 4 and 5 destroyed window pane of the house of the de facto complainant.

4. The learned Public Prosecutor refers to the statement given by the de facto complainant and submits that the petitioner along with other

B.A. No.486/2022 -3- accused in the case had criminally trespassed into the house de facto complainant owing to the fact that the husband of the de facto complainant had objected to their consumption of alcohol. It is submitted that going by the statement of the de facto complainant, the offences alleged have been committed by the petitioner.

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

taking into account the nature of the allegations against the petitioner and considering the fact that thrust of the allegation is against accused Nos. 1 & 2, I am of the opinion that the petitioner can be granted anticipatory bail as his custody may not be required for the purpose of investigation in the matter. In the result, this bail application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in connection with Crime No.10/2022 of Parassala Police Station subject to the following conditions:-

(i) Petitioner shall execute a 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 co-operate with the investigation and he shall

surrender before the Investigating officer in Crime No.10/2022 of Parassala Police Station at 9 a.m on 07-02-2022. The petitioner shall, after being interrogated, be released on bail in terms of this order; B.A. No.486/2022 -4-

(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.10/2022 of Parassala Police Station;

(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.10/2022 of Parassala Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com