

Krishnakumar, vs State of Kerala,

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Court : Kerala

Decided On : Mar-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./489/2022

Appellant : Krishnakumar,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943
BAIL APPL. NO. 489 OF 2022 CRIME NO.679/2021 OF NENMARA
POLICE STATION PETITIONER/1ST ACCUSED: KRISHNAKUMAR,
AGED 45 YEARS S/O.RAJAN, SRI SRI BAHVAN, KAIPANCHERY,
AYILORE POST, NENMARA, PALAKKAD-678 512. BY ADV
V.A.JOHNSON (VARIKKAPPALLIL) RESPONDENT/COMPLAINANT:
STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031. SMT. SEETHA .S.
(SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 07.03.2022, THE COURT ON THE SAME DAY

ORDER

This is an application for anticipatory bail.

2. Petitioner is the 1st accused in Crime No.679/2021 of Nenmara police station, alleging commission of offences under Sections 341, 324 and 326 of the Indian Penal Code.

3. Allegation against the petitioner is that on

05.11.2021, the petitioner trespassed into the chicken stall run by the de facto complainant, wrongfully restrained him and the 2nd accused hit him on his upper lip with the handle of the knife used for cutting chicken. It is also alleged that the 1st accused thereafter, obtained the knife from the 2nd accused and hit him with the backside of the knife on his right thumb, causing grievous hurt to him.

4. Learned counsel appearing for the petitioner submits

that the petitioner is absolutely innocent in the matter. It is submitted that the allegations have been raised on account of some animosity between the petitioner and the de facto complainant. It is submitted that the petitioner had no occasion whatsoever to attack the de facto complainant as alleged. It is submitted that at any rate, considering the nature of the allegations, custodial interrogation of the petitioner is not

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5. I have heard the learned Public Prosecutor also.

6. Having regard to the facts and circumstances of the

case and considering the nature of the allegations and also on being informed by the learned Public Prosecutor that no criminal antecedents have been reported against the petitioner, I am of the opinion that anticipatory bail can be granted to the petitioner subject to strict conditions. 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.679/2021 of Nenmara 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 the likesum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall appear before the investigating officer in Crime No.679/2021 of Nenmara Police station on 14.03.2022 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. 679/2021 of Nenmara police station; BAIL APPL. NO. 489 OF 2022 4

(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.679/2021 of Nenmara police station may file an application before the jurisdictional Court, for cancellation of bail. sd/- GOPINATH P. JUDGE
ajt

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