

Babu vs State of Kerala

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Court : Kerala

Decided On : Jan-28-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./496/2022

Appellant : BABU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 28TH DAY OF JANUARY 2022 / 8TH MAGHA, 1943 BAIL APPL.
NO. 496 OF 2022 CRIME NO.37/2022 OF KODUNGALLUR POLICE
STATION, TRHISSUR PETITIONER/ACCUSED: BABU AGED 21
YEARS NEELAKKAMPARA, PUTHIYA POST DESOM, PULLUT
VILLAGE THRISSUR, PIN - 680663 BY ADVS. JOSEPH GEORGE P.K.
HASSANKUTTY

RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN -
682031 SRI. NOUSHAD. K.A. (SR.PP) THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 28.01.2022, THE COURT ON

THE SAME DAY DELIVERED THE FOLLOWING: GOPINATH.P, J
----- B.A. No.496 of 2022
----- Dated this the 28th day of January,
2022

ORDER

Petitioner is the sole accused in Crime No. 37/2022 of Kodungallur Police Station, Thrissur District alleging commission of offences under Sections 341, 324 and 308 of the Indian Penal Code.

2. The allegation against the petitioner is that he attacked the

de facto complainant with an iron rod and hit him on his head and legs using an adjustable spanner. Learned counsel for the petitioner submits that the de facto complainant in this case is a habitual offender and he had stolen the mobile phone of the petitioner which led to an altercation between the petitioner and him at a bar in Kodungallur. It is submitted that the petitioner is absolutely innocent in the matter and that the injuries had been occasioned to the de facto complainant after he fell down following a scuffle with the petitioner. The allegation that the petitioner had attacked the de facto complainant with an adjustable spanner is not correct, is the submission of the learned counsel for the

petitioner.

3. Learned Public Prosecutor submits that the wound certificate in respect of the de facto complainant shows that the

allegation against the petitioner is true. It is submitted that if the petitioner is released on bail there is every chance of same offences being repeated. It is submitted that the petitioner is not entitled to be released on bail at this stage as it may affect the progress of the investigation.

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

considering the fact that no criminal antecedents have been reported against the petitioner and also considering the fact that the petitioner is in custody from 08.01.2022 and being convinced that his continued detention may not be necessary for the purposes of investigation, I am inclined to grant bail to the petitioner.

5. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, 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 each for the like sum to the satisfaction of the jurisdictional Court;

(ii) The Petitioner shall report before the Investigating officer in Crime No. 37/2022 of Kodungallur Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No. 37/2022 of Kodungallur Police Station;

(v) 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. 37/2022 of Kodungallur Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/-GOPINATH.P JUDGE Isn

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