

Saneesh vs State of Kerala

Saneesh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1443883

Court : Kerala

Decided On : Jan-28-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./508/2022

Appellant : Saneesh

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 CRIME
NO.1464/2021 OF NJARAKKAL POLICE STATION, ERNAKULAM
DISTRICT PETITIONERS/ACCUSED NOS.1 TO 3: 1 SANEESH AGED
26 YEARS S/O. SANTHOSH, NELLSSERY (H), CHAPPA
KADAPPURAM, 2 SUNILRAJ.N.R.@ CHATHAN, AGED 30 YEARS S/O.
RAJAN, NELLISSERY (H), CHAPPA KADAPPURAM, 3 SHIJO .N.J.,
AGED 27 YEARS S/O. JOSHI, NIKATHIL (H), CHAPPA KADAPPURAM,
BY ADVS. P.V.VIBIN MINU V.A. RESPONDENT/COMPLAINANT:
STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM ,PIN-682 031. BY

SMT.SEETHA S. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for regular bail.

2. Petitioners are accused Nos.1 to 3 in Crime No.1464

of 2021 of Njarakkal Police Station, Ernakulam District, alleging commission of offences under Sections 143, 147, 148, 427, 324, 326 and 307 read with Section 149 of the Indian Penal Code. The allegation against the petitioners is that they attacked the de-facto complainant on account of a dispute relating to the affair of the de-facto complainant with the sister of the 2nd accused and caused serious injuries to him.

3. The learned counsel for the petitioners would submit

that the allegations are completely false. It is submitted that on 07.12.2021, the 2nd accused in the case (2nd petitioner) was brutally attacked by the de-facto complainant and one Anoop, leading to registration of Crime No.1423 of 2021 of Njarakkal Police Station against the de-facto complainant and the aforesaid Anoop. It is submitted that in order to escape from that case, the present case was registered belatedly and after a period of almost 12 days after the alleged incident, stating that

the accused in this case have attacked the de-facto complainant. It is submitted that when the de-facto complainant and Anoop had attacked the 2 nd accused, they had retaliated in defence and this was how the de-facto complainant sustained injuries. It is submitted that the petitioners have been in custody for 37 days and their continued detention is not necessary for the purpose of investigation into the matter.

4. The learned Public Prosecutor has taken me through the First Information statement given by the de-facto complainant and also the wound certificate in

respect of the de- facto complainant. It is submitted that serious injuries were caused to the de-facto complainant allegedly owing to the

attack by the accused in this case. It is submitted that the grant of bail at this stage may affect the successful prosecution of the petitioners. It is submitted that the petitioners are not entitled to be released on bail at this stage.

5. Having regard to the facts and circumstances of the

case and considering the fact that the petitioners have been in custody for 37 days and taking into account the fact that their continued detention may not be necessary for the purpose of any investigation, I am of the view that the petitioners can be granted bail subject to conditions.

6. In the result, this bail application is allowed and it is directed that the petitioners shall be released on bail subject to the following conditions:

(1) Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties each for the like sum to the satisfaction of the Jurisdictional Court;

(2) Petitioners shall not attempt to or to influence or intimidate the de-facto complainant or any witness in Crime No.1464 of 2021 of Njarakkal Police Station, Ernakulam District;

(3) Petitioners shall report before the investigating officer in Crime No.1464 of 2021 of Njarakkal Police Station, Ernakulam District, every Saturday at 11.00 A.M until further orders;

(4) Petitioners shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No.1464 of 2021 of Njarakkal Police Station, Ernakulam District, may file an application before the Jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE DK