

Jayaraj, vs State of Kerala,

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Court : Kerala

Decided On : Feb-24-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./520/2022

Appellant : Jayaraj,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 24TH DAY OF FEBRUARY 2022 / 5TH PHALGUNA,
1943 BAIL APPL. NO. 520 OF 2022 CRIME NO.2117/2020 OF
ATTINGAL POLICE STATION PETITIONER/ACCUSED NO.2:
JAYARAJ, AGED 22 YEARS S/O.MOHANAN, RESIDING AT THOPPIL
PUTHEN VEEDU, KUNNATHAMKONAM, CHEMPOORU, MUNDAKKAL
P.O., MUNDAKKAL VILLAGE, PIN-691 010. BY ADV M.R.SASITH
RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
PIN-682 031. SMT. SEETHA .S. (SR.PP) THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 24.02.2022, THE COURT ON

ORDER

This is an application for anticipatory bail.

2. Petitioner is the 2nd accused in Crime

No.2117/2020 of Attingal police station, Thiruvananthapuram district, alleging commission of offences under Sections 294(b), 341, 324, 326, 308 r/w. Section 34 of the Indian Penal Code.

3. Allegation against the petitioner is that the

petitioner together with accused Nos.1 and 3, attacked the de facto complainant at about 07.45 pm on 04.10.2020. It is alleged that the 1st accused had verbally abused the de facto complainant and hit him with a blunt part of a chopper, resulting in injuries on the head of the de facto complainant. Accused Nos.2 and 3, including the petitioner herein, allegedly attacked the de facto complainant using a chopper as a result of which he suffered grievous injuries, including fracture and separation of the little finger on his left leg.

4. Learned counsel appearing for the petitioner BAIL APPL. NO. 520 OF 2022 3

submits that the crime was registered in the year 2020 and the petitioner is absolutely innocent in the matter. It is submitted that the petitioner was not named in the First Information Report as an accused. It is submitted that subsequently on the basis of the statements given by the other accused in the case, the petitioner was also implicated as the 2nd accused. It is submitted that the petitioner has been falsely implicated and he has nothing to do with the crime in question.

5. Learned Public Prosecutor opposes the grant of

bail. It is submitted that the investigation conducted thus far reveals the clear role of the petitioner. It is submitted that though the petitioner was not named in the First Information Report, the investigation conducted revealed the clear role of the petitioner . It is submitted that the de facto complainant suffered serious injuries owing to the attack by the petitioner and the other accused. It is submitted that the petitioner is not entitled to be released on bail.

6. Having regard to the facts and circumstances of BAIL APPL. NO. 520 OF 2022
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the case and considering the nature of the allegations against the petitioner, petitioner is not entitled to be released on anticipatory bail. Accordingly, the bail application will stand dismissed. However, it is made clear that if the petitioner surrenders before the investigating officer on or before 08.03.2022, the petitioner shall be produced before the jurisdictional Magistrate on the same day and any bail application, that may be filed by him, shall be considered and disposed of without avoidable day, after notice to the Public Prosecutor. sd/- GOPINATH P. JUDGE

ajt

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