

Ansil vs State of Kerala

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Court : Kerala

Decided On : Apr-08-2022

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./572/2022

Appellant : ANSIL

Respondent : State of Kerala

Judgement :

B.A.No.572 of 2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. FRIDAY,
THE 8TH DAY OF APRIL 2022 / 18TH CHAITHRA, 1944 BAIL APPL.
NO. 572 OF 2022 (CRIME NO.47 OF 2021 OF KOLLAM
ANCHALUMMOODU POLICE STATION) PETITIONER/1ST ACCUSED
ANSIL AGED 26 YEARS S/O. ANTONY, THOTTATTIL
CHIRAKARODUVEEDU, KUREEPUZHA CHERRY, THRIKADAVOOR
VILLAGE, ANCHALUMMOODU KOLLAM BY ADV C.S.SUMESH
RESPONDENT/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, 682 031 2 THE
INSPECTOR OF POLICE ANCHALUMMOODU POLICE STATION,

KOLLAM 691 601 OTHER PRESENT: SRI. P.G.MANU -SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.572 of 2022 2

ORDER

This second application for bail is filed by the 1st accused in Crime No.47 of 2021 of Anchalammodu police station registered for the offences punishable under Sections 447, 294(b), 323, 324 and 326 read with Section 34 of the Indian Penal Code.

2. The prosecution allegation is that on 02.02.2021 at about

10.30 p.m, this petitioner along with the other accused had trespassed into the residential house of the defacto complainant with the intention to assault him, abused him in filthy language and wrongfully restrained him and assaulted with deadly weapons. Thus caused grievous injuries to him including fracture. When the wife of the defacto complainant intervened to rescue him, she was also not spared by them and she too sustained injuries . Thereby the accused have committed the aforesaid offences.

3. The petitioner is a habitual offender who is involved in 13 cases of similar nature. Hence the bail application is vehemently opposed by the learned Public Prosecutor.

4. The three injured in the case are father, mother and son. The place of occurrence is their residential house. The prosecution is B.A.No.572 of 2022 3

opposing the application mainly because there is every possibility to intimidate the witnesses to the prosecution so as to prevent them from deposing the true facts before the court. Now CW1 alone has been examined. As per the daily status of the trial court summons have been ordered to CW2 and CW3 and the case now stands posted to 11.04.2022 for their examination. So the other two injured in the case have not been examined before the court.

Such being the case, I find that the apprehension expressed by the learned Public Prosecutor on behalf of the injured appears to be genuine. Therefore, I am not inclined to release him on bail at this stage. But after completion of the examination of the other two injured in the case ie; CW2 and CW3 on 11.04.2022 he can be released on bail. If for any reason those witnesses were not examined on 11.04.2022, then also the petitioner can be released on bail on 13.04.2022 subject to the following conditions:

(i) The petitioner shall be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the court having jurisdiction.

(ii) The petitioner shall not remain absent in court during trial. B.A.No.572 of 2022
4 He shall fully co-operate with the trial of the case.

(iii) The petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts

to the court or tamper with the evidence.

(iv) The petitioner shall not commit any offence while on bail. In case of violation of any of the above conditions, the jurisdictional court is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V JUDGE smm

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