

Ashar vs State of Kerala

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Court : Kerala

Decided On : Jul-19-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./574/2022

Appellant : ASHAR

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 19TH DAY OF JULY 2022 / 28TH ASHADHA, 1944 CRIME NO. 658 OF 2021 OF KAREELAKULANGARA POLICE STATION, ALAPPUZHA PETITIONER/ACCUSED: ASHAR AGED 23 YEARS, S/O. KUNJUMON MANNOORKULANGARA , KANICHANELLOR, CHEPPAD P.O, BY ADV M.G.SREEJITH RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 THE STATION HOUSE OFFICER KAREELAKULANGARA POLICE STATION, KAREELAKULANGARA, BY ADV PUBLIC PROSECUTOR OTHER

PRESENT: PP SRI.NOUSHAD K.A THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON 19.07.2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- B.A.NO. 574 of 2022
----- Dated this the 19th day of June, 2022

ORDER

This is an application for pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner is the accused in Crime No.658 of 2021 of

Kareelakulangara Police Station, Alappuzha District alleging offences under Sections 452, 323, 324, 326, 308, 506 r/w Section 34 of the Indian Penal Code, 1860.

3. The prosecution case is that, on 21.12.2021 at about 8.00

am petitioner trespassed into the house of the defacto complainant and attacked her son with an iron rod and thereby defacto complainants son and daughter-in-law sustained serious injuries including a fracture.

4. Sri.M.G.Sreejith, the learned counsel for the petitioner contended that the entire prosecution case is false and that the incident as alleged had not occurred.

5. Sri. Noushad K.A, the learned Public Prosecutor on the

other other hand contended that the allegations are serious and the injuries caused to the son and daughter-in-law of the defacto complainant are serious in nature going by the wound certificate.

It was further submitted that pursuant to the interim order

granted by this Court on 06-05-2022, the investigation proceeded and it is almost completed. However further interrogation of the petitioner is essential.

6. Having regard to the circumstances of the case as well as

the interim order granted by this Court, I am of the view that though the allegations are serious in nature custodial interrogation is not required. Accordingly, this application is allowed on the following conditions:

(i) Petitioner shall appear before the Investigating Officer on 27.07.2022 and shall subject himself to interrogation.

(ii) If after interrogation, the Investigating Officer

proposes to arrest the petitioners, then, he shall be released on bail on him executing a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum before the Investigating Officer.

(iii) Petitioner shall appear before the Investigating Officer as and when required and shall also co- operate with the investigation.

(iv) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members;

(v) Petitioner shall not commit any similar offences while he is on bail.

(vi) Petitioner shall not leave India without the

permission of the Court having jurisdiction. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. Sd/- BECHU KURIAN THOMAS JUDGE AJM

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