

Rajesh vs State of Kerala

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Court : Kerala

Decided On : Feb-02-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./579/2022

Appellant : Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 2ND DAY OF FEBRUARY 2022 / 13TH MAGHA,
1943 BAIL APPL. NO. 579 OF 2022 Crime No.12/2022 of Devikulam
Police Station PETITIONERS/ACCUSED:

1 RAJESH AGED 35 YEARS, S/O. DHARMARAJ H. NO. 12/340,
DEVICOLAM, KDH VILLAGE, DEVIKULAM TALUK, IDUKKI DISTRICT,,
PIN - 685613 2 KANMANI AGED 25 YEARS, W/O. RAJESH, H. NO.
12/340, DEVICOLA, KDH VILLAGE, DEVIKULAM TALUK, IDUKKI
DISTRICT., PIN - 685613 3 KALEESWARAN AGED 20 YEARS, S/O.
ELEENRAJ, FACTORY DIVISION, LOCKHEART ESTATE, KDH

VILLAGE, DEVIKULAM TALUK, IDUKKI DISTRICT, PIN - 685613 BY
ADVS. S.JIJI AJITH POTTAS

RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
OTHER PRESENT: SMT. SEETHA .S. (SR.PP) THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 02.02.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.
No.579/2022 -2-

ORDER

The petitioners are the accused in Crime No.12/2022 of Devikulam Police Station, Idukki District alleging commission of offences under Sections 294 (b), 323, 341, 354, 354-B, 427 read with Section 34 of the Indian Penal Code.

2. The allegation against the petitioners is that they attacked the de

facto complainant and her son, abused her in a filthy language and attempted to outrage the modesty of the de facto complainant and also to disrobe her and thereby they committed the offences alleged against them.

3. Facts of the case show that there are civil disputes between the

parties. Reference is made in this regard to Annexures-3 & 4 which are the suit filed by the mother of the 1st petitioner and injunction order obtained therein against the de facto complainant. It is submitted that the allegations have been raised only on account of the existing civil disputes and that the allegations are false and baseless.

4. The learned Public Prosecutor has taken me through the First

Information Statement of the de facto complainant and points out that if the allegations in the First Information Statement are true, the offences alleged against the petitioners are substantiated. It is submitted that while there are civil disputes between the parties, the practitioners had no right to assault the de facto

complainant and her son. The learned counsel for the petitioner

B.A. No.579/2022 -3- would urge with reference to Annexure-A2 that the petitioners had filed a complaint resulting registration of Crime No.13/2022 against the de facto complainant and her son stating that the de facto complainant and her son had used obscene words against the petitioners and had also caused hurt to them.

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

considering the fact that there are civil disputes between the mother of the 1st petitioner and the de facto complainant and also considering the fact that no criminal antecedents are reported against the petitioners, I am of the view that the petitioners can be granted anticipatory bail subject to conditions. In the result, this bail application is allowed. It is directed that the petitioners shall be released on bail, in the event of arrest in connection with Crime No.12/2022 of Devikulam Police Station subject to the following conditions:-

(i) Petitioners shall execute separate bonds for sums 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) Petitioners shall appear before the Investigating officer in Crime No.12/2022 of Devikulam Police Station at 9 a.m on 09-02-2022 and thereafter as and when called upon to do so;

(iii) Petitioners shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in B.A. No.579/2022 -4- Crime No.12/2022 of Devikulam Police Station;

(iv) 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.12/2022 of Devikulam Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG B.A. No.579/2022 -5- APPENDIX OF BAIL APPL. 579/2022 PETITIONER ANNEXURES

Annexure1

TRUE COPY OF THE F.I.R WITH F.I. STATEMENT IN

FILE OF THE MUNSIFF COURT, DEVIKULAM. Annexure4 TRUE COPY OF THE
INJUNCTION ORDER IN O.S. NO. 03/2022 ON THE FILE OF THE MUNSIFF
COURT, DEVIKULAM.

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