

Sandeep vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1444929

Court : Kerala

Decided On : Feb-17-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./610/2022

Appellant : Sandeep

Respondent : State of Kerala

Judgement :

1IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. THURSDAY, THE 17TH DAY OF FEBRUARY 2022 / 28TH MAGHA, 1943 PETITIONER: SANDEEP AGED 19 YEARS SWAPNA BHAVAN, ALAYAMON P.O, ANCHAL, PUNALUR TALUK, KOLLAM DISTRICT KOLLAM, PIN - 691306 BY ADVS. S.SREEJITH Subhash Syriac RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR SMT. SEETHA. S. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioner is the accused in Crime No.10/2022 of Anchal Police Station, Kollam district alleging commission of offences under Section 341, 294(b), 323, 324, 308, 427, 447 and 334 of the IPC.

2. The allegation against the petitioner is that, on

02.01.2022, the accused Nos. 1 and 2 had attacked the defacto complainant and his friends. It is alleged that the first accused hit the defacto complainant with an iron board and the first and second accused attacked the friend of the defacto complainant and third and fourth accused had restrained the defacto complainant enabling the others to commit the offence.

3. Learned counsel for the petitioner submits that

petitioner is a 19 year old boy who is a polytechnic student. It is submitted that the case against the petitioner is limited to the allegation that he along with the third accused had restrained the defacto complainant. It is submitted that the petitioner was dragged in the case only on account of the fact that he is the

neighbor of the second accused. It is submitted that the petitioner had no occasion to attack the defacto complainant or the brother of the defacto complainant or to restrain the defacto complainant in any manner. It is submitted that custodial

interrogation of the case is not necessary considering the facts

and circumstances of the case.

4. Heard the learned Public Prosecutor also. Learned Public Prosecutor points out the circumstances of the case appearing from the record. It is pointed out that defacto complainant has given a clear statement that the petitioner was

also involved in restraining the defacto complainant. It is submitted that though the allegation of attack is against the first and second accused, since the offence is committed in furtherance of a common intention, the petitioner is also equally guilty along with the other accused.

5. Having regard to the facts and circumstances of the case and taking a lenient view, considering the fact that the petitioner is a 19 year old boy, and being convinced that

custodial interrogation is not necessary for a proper investigation, I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

6. In the result, this bail application is allowed. It is

directed that the petitioner shall be released on anticipatory bail, in the event of his arrest in connection with Crime No.10/2022 of Anchal Police Station subject to the following conditions:-

(i) The petitioner shall execute bond for a sum 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) The petitioner shall appear before the investigating officer as in Crime No.10/2022 of Anchal Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.10/2022 of Anchal Police Station;

(iv) The petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.10/2022 of Anchal Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/- GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 610/2022
PETITIONER ANNEXURES AnnexureA1 TRUE COPY OF THE FIR AND FIS IN
CRIME NO. AnnexureA2 TRUE COPY OF THE PETITION DATED 17.1.2022
FILED BY PETITIONERS MOTHER BEFORE SUPERINTENDENT OF POLICE,
KOTTARAKKARA