

Pradeep vs State of Kerala

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Court : Kerala

Decided On : Feb-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./627/2022

Appellant : Pradeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 14TH DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943
BAIL APPL. NO. 627 OF 2022 CRIME NO.1644/2021 OF PUNALUR
POLICE STATION,KOLLAM RURAL AGAINST THE
ORDER/JUDGMENT IN CMP 263/2022 OF JUDICIAL MAGISTRATE
OF FIRST CLASS -II(FOREST OFFENCES),PUNALUR

PETITIONER/1st ACCUSED: PRADEEP AGED 44 YEARS
S/O.SURENDRAN, NIRAPPIL VEEDU, VENCHEMBU, KOLLAM
DISTRICT - 691 333. BY ADV MANOJ RAMASWAMY RESPONDENTS:
1 STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. 2

THE STATION HOUSE OFFICER PUNALUR POLICE STATION,
KOLLAM DISTRICT - 691 305. OTHER PRESENT: SRI. T.R. RANJITH
(SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 14.02.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: B.A.No.627/2022 2

ORDER

This is an application for regular bail.

2. The petitioner is the 1st accused in Crime No.1644/2021 of Punalur Police Station, alleging commission of offences under Sections 294(b), 341, 323, 324, 326, 506(ii) & 308 r/w. Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner

together with other accused in the case attacked the de facto complainant on 27.12.2021 as a result of which the de facto complainant suffered serious injuries.

4. The learned counsel for the petitioner would submit that the

petitioner is an elected member of the Karvaloor Grama Panchayath. It is alleged that the allegations are raised on account of factional feud in the party to which the petitioner belongs. It is submitted that the other accused in the case are the son of the petitioner and a relative of the petitioner. It is submitted that the petitioner is absolutely innocent in the matter and the allegations are falsely raised. It is submitted that the petitioner has been in custody from 13.1.2022 and that his continued detention is not necessary for the purposes of any investigation. It is also pointed out that the de facto complainant did not suffer any serious injury as a result of the alleged attack by the petitioner and others.

5. I have heard the learned Public Prosecutor also. B.A.No.627/2022 3

6. The learned Public Prosecutor vehemently opposes the grant of

bail. It is submitted that the de facto complainant was severely beaten up by the petitioner along with the other accused at about 8.45 p.m on 27.12.2021 as a

result of which the de facto complainant was admitted to the hospital at about 9.15 p.m. on the same day. It is submitted that the wound certificate in respect of the de facto complainant suggests that he had suffered serious injuries owing to the attack by the petitioner and the other accused. It is submitted that the contention of the petitioner that the de facto complainant was the aggressor does not appear to be correct from the record.

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

taking into account the fact that the petitioner has been in custody from 13.1.2022, I am of the opinion that the continued detention of the petitioner is not necessary for the purposes of any investigation.

8. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a 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 report before the Investigating officer in Crime No.1644/2021 of Punalur Police Station every Saturday at 11 a.m. till filing of final report;

(iii) The petitioner shall not attempt to contact the de facto complainant or B.A.No.627/2022 & interfere with the investigation or to influence or intimidate any witness in Crime No. 1644/2021 of Punalur 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.1644/2021 of Punalur Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE acd

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