

Satheesh vs State of Kerala

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Court : Kerala

Decided On : Mar-03-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./665/2022

Appellant : Satheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 3RD DAY OF MARCH 2022 / 12TH PHALGUNA,
1943 BAIL APPL. NO. 665 OF 2022 CRIME NO.535/2021 OF
KODAKARA POLICE STATION PETITIONER/ACCUSED: SATHEESH
AGED 41 YEARS PERATT HOUSE, ALATHUR DESOM, NELLAYI,
MUKUNDAPURAM, ANANDAPURAM PO, THRISSUR, PIN - 680305
BY ADVS. M.V.VIPINDAS PRAVEEN.H. G.HARIHARAN K.S.SMITHA
T.T.SHANIBA AMAL DEV D SISIRA M.SHIRINE V.R.SANJEEV KUMAR
RESPONDENT/STATE: 1 STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN
- 682031 2 SHO, KODAKARA POLICE STATION STATION HOUSE

OFFICER, KODAKARA POLICE STATION, KODAKARA, THRISSUR, PIN - 680684 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: SRI. T.R. RENJITH (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 665 OF 2022 2

ORDER

This is an application for anticipatory bail.

2. Petitioner is the 3rd accused in Crime No.535/2021 of Kodakara Police Station, alleging commission of offences under Sections 323, 324, 294(b), 308 r/w 34 of the Indian Penal Code.

3. The allegation against the petitioner is that the

petitioner along with the other accused in the case attacked the de facto complainant and caused a cut injury on the stomach of the de facto complainant with a sword. It is alleged that the 1 st accused in the case (who is none other than the 19 year old son of the petitioner) had used a sword to cause injury while the 2 nd accused (who is a minor son of the petitioner aged 16 years)

had kicked the de facto complainant and at that time the petitioner/ 3rd accused had grabbed the de facto complainant on his neck and pulled him down.

4. Learned counsel appearing for the petitioner submits

that the de facto complainant is a known Gunda in the area. It is submitted that the de facto complainant and others had attempted to attack the petitioner and at that point of time the children of the petitioner (1 st and 2nd accused) had intervened in the matter. It is submitted that thereafter a false case has been

BAIL APPL. NO. 665 OF 2022 3 foisted against the petitioner and the other accused stating that petitioner had attacked the de facto complainant.

5. The learned Public Prosecutor opposes the grant of

bail. It is pointed out that the petitioner has criminal antecedents and that 7 cases have been registered against him during the period 2007 - 2014 at Kodakara Police Station and Crime No. 536/2021 of the very same Police Station has been registered against him in the year 2021. It is submitted that the petitioner is not entitled to Anticipatory Bail. It is also pointed out that considering the criminal background of the petitioner, a report has been filed seeking initiation of proceedings under Section 107 Cr.P.C against the petitioner.

6. Having regard to the facts and circumstances of the

case and considering the nature of the allegation against the petitioner and despite the fact that the petitioner has criminal antecedents, I am of the view that the petitioner can be granted anticipatory bail subject to the following conditions as I have already granted anticipatory bail to accused Nos. 1 and 2 in the case.

In the result, this application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in crime No. 535/2021 of Kodakara Police Station subject to the BAIL APPL. NO. 665 OF 2022 4 following conditions:-

(i) 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) Petitioner shall appear before the investigating officer in Crime No. 535/2021 of Kodakara Police Station as and when summoned to do so;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.535/2021 of Kodakara 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. 4 535/2021 of Kodakara Police Station may file an application before the jurisdictional Court, for cancellation of bail. Sd/- GOPINATH P. JUDGE
ats BAIL APPL. NO. 665 OF 2022 5 APPENDIX OF BAIL APPL. 665/2022
PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE FIR

REGISTERED IN CONNECTION WITH CRIME NO. 535/2021 OF KODAKARA POLICE STATION AGAINST THE APPLICANT. Annexure 2 TRUE COPY OF THE FIR NO. 537/2021 OF KODAKARA POLICE STATION REGISTERED AGAINST THE DEFACTO COMPLAINANT IN ANNEXURE A1 FIR FOR OFFENCES PUNISHABLE UNDER S. 143, 147, 148, 149, 294 (B), 308, 323, 427 & 447 IPC. Annexure 3 TRUE COPY OF THE FIR REGISTERED AS CRIME NO. DEFACTO COMPLAINANT IN ANNEXURE A1 FIR Annexure 4 A TRUE COPY OF THE ORDER DATED 07/01/2022 PASSED BY THIS HONBLE COURT, IN BAIL APPLICATION BA NO.9310/2021.

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