

Chandran vs State of Kerala

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Court : Kerala

Decided On : Feb-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./724/2022

Appellant : Chandran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 7TH DAY OF FEBRUARY 2022 / 18TH MAGHA, 1943
BAIL APPL. NO. 724 OF 2022 CRIME NO.830/2021 OF KUTTIADY
POLICE STATION PETITIONER/ACCUSED: CHANDRAN AGED 58
YEARS SON OF KANNAN, MEETHALE KAPPUMMAL HOUSE,
NITTOOR POST, KAKKATTIL VIA KUTTIADY VILLAGE KOZHIKODE,
PIN - 673507 BY ADVS. SASTHAMANGALAM S. AJITHKUMAR
RESHMA M.S SATHEESH MOHANAN ajay kumar K.G. V.S.THOSHIN
SREEJITH S. NAIR RESPONDENT/COMPLAINANT: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC

PROSECUTOR ADV.T.R. RENJITH -SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 724 OF 2022 2

ORDER

This is an application for regular bail.

2. Petitioner is the accused in Crime No.830/2021 of Kuttiady police station, alleging commission of offences under Sections 341, 324 and 308 of the Indian Penal Code.

3. Allegation against the petitioner is that he entered

into an argument with a the de facto complainant and assaulted him with a knife causing causing an incised wound on the abdomen of the de facto complainant and several other lacerated injuries.

4. Learned counsel appearing for the petitioner submits that the petitioner and the wife of the de facto complainant are

cousins. It is submitted that the de facto complainant is a habitual drunkard. He used to create issues in the area where the petitioner and the de facto complainant stay. It is submitted that owing to some disputes between the wife of the de facto complainant and the petitioner, the de facto complainant had trespassed into the house of the petitioner and attacked him and his wife and that the petitioner had intervened because the de facto complainant was about to attack his wife. It is submitted that the petitioner is absolutely innocent in the

BAIL APPL. NO. 724 OF 2022 3 matter. It is submitted that the petitioner has been in custody from 22.12.2021 and his continued detention is not necessary for the purpose of any investigation. It is submitted that the age of the petitioner may also be taken into account.

5. Learned Public Prosecutor opposes the grant of bail.

With reference to the First Information Statement of the de facto complainant and the wound certificate, the learned Public Prosecutor pointed out that serious injuries were occasioned to the de facto complainant. It is submitted that according to the de facto complainant, he was attacked with a knife by the petitioner. It is submitted that the petitioner is not entitled to be released on bail as there is every chance of flare up, if the petitioner is released on bail.

6. Taking into account the facts and circumstances of

the case and considering the nature of the allegations against the petitioner and also considering the fact that he has been in custody from 22.12.2021 I am convinced that his continued detention is not necessary for the purpose of any investigation, I am therefore, inclined to grant bail to the petitioner. I also take note of the fact the petitioner is stated to be 58 years of

age. However, for preventing any flare up or any further issues

between the petitioner and the de facto complainant, I deem it BAIL APPL. NO. 724 OF 2022 appropriate to impose a condition that the petitioner shall not enter the local limits of Kuttiady police station till 30.04.2022. Accordingly, this application for bail is allowed and it is directed that the petitioner shall be released on bail 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) Petitioner shall appear before the investigating officer in Crime No. 830/2021 of Kuttiady Police station on every Saturday at 11 am until filing of final report;

(iii) The petitioner shall not attempt to interfere with the investigation or to influence or intimidate the de facto complainant or any witness in Crime No. 830/2021 of Kuttiady police station;

(iv) The petitioner shall not enter the local limits of the Kuttiadi police station where the de facto complainant is residing except for the purpose of complying with

condition No.

(ii) above, till 30.04.2022;

(v) The petitioner shall not involve in any other crime while on bail. BAIL APPL. NO. 724 OF 2022 5

If any of the aforesaid conditions are violated, the investigating officer in Crime No.830/2021 of Kuttiady police station may file an application before the jurisdictional court, for cancellation of bail. sd/- GOPINATH P. JUDGE ajt

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