

Daison vs State of Kerala

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Court : Kerala

Decided On : Feb-22-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./758/2022

Appellant : Daison

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 22ND DAY OF FEBRUARY 2022 / 3RD PHALGUNA,
1943 BAIL APPL. NO. 758 OF 2022 CRIME NO.67 OF 2022 OF ALOOR
POLICE STATION, THRISSUR PETITIONERS/ACCUSED: 1 DAISON
AGED 25 YEARS THEVALAPPILLY HOUSE, MAREKKADU DESOM,
VADAMA VILLAGE THRISSUR, PIN - 680732 2 MEBIN AGED 33
YEARS PADATHURUTHI HOUSE, MOORIKKAD DESOM, NEAR
RATION SHOP, PUTHENCHIRA VILLAGE THRISSUR, PIN - 680682
BY ADV A.C.DEVY RESPONDENT/STATE OF KERALA: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC

PROSECUTOR OTHER PRESENT: SMT. SEETHA .S. (SR. PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.758/2022 2

ORDER

This is an application for regular bail.

2. The petitioners are the accused in Crime No.67/2021 of Aloor Police Station, Thrissur District alleging commission of offences under Sections 341, 324, 506(1) and 308 r/w. Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that owing to a dispute

with the de facto complainant, while consuming liquor in a Bar, the petitioners attacked the de facto complainant with a beer bottle and a jug causing serious injuries to the de facto complainant. It is alleged that the de facto complainant suffered injury on his head requiring 28 stitches.

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

petitioners and the de facto complainant had gone together to the Bar in question. It is submitted that out of a sudden following a dispute regarding the payment of the bill, the de facto complainant had attacked the petitioners and they had retaliated. It is submitted that the attack was not pre-planned and was not on account of any previous animosity with the de facto complainant. It is submitted that the petitioners have been in custody for the last 35 days and that the continued detention is not necessary for the purposes of any investigation.

4. I have heard the learned Public Prosecutor also.

5. The learned Public Prosecutor opposes the grant of bail. The First Information Statement and the Wound Certificate of the de facto complainant are referred to point out that the de facto complainant suffered

B.A.No.758/2022 3 serious injuries. It is submitted that the petitioners are not entitled to be released on bail as both the petitioners have criminal antecedents. It is pointed out that in respect of the 1 st petitioner Crime No.562/2014 of Mala Police Station was registered and in respect of the 2 nd accused, three cases namely, Crime Nos.822/2007 of Kodungallur Police Station, 562/2014 of Mala Police Station and Crime No.640/2010 of Irinjalakkuda Police Station

were registered. It is submitted that in Crime No.822/2007 the 2 nd petitioner/2nd accused was accused of committing a crime punishable under Section 302 of IPC, where he was acquitted, following trial.

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

considering the nature of the allegations against the petitioners and considering the fact that they have been in custody for the last 35 days, I am of the opinion that the petitioners can be granted bail subject to conditions. I take note of the fact that the criminal antecedents reported are not in the recent past.

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

(i) The 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) The petitioners shall report before the Investigating officer in Crime No. 67/2021 of Aloor Police Station, as and when called upon to do so;
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(iii) The petitioners shall not attempt to interfere with the investigation or to influence or intimidate the de facto complainant or any witness in Crime No. 67/2021 of Aloor Police Station;

(iv) The 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.67/2021 of Aloor Police Station, may file an application before the jurisdictional Court for

cancellation of bail.

Sd/- GOPINATH P. JUDGE acd B.A.No.758/2022 5 APPENDIX OF BAIL APPL.
758/2022 PETITIONER ANNEXURES Annexure1 A CERTIFIED COPY OF THE
ORDER OF THE LEARNED MAGISTRATE IN CRL. MP NO. THRISSUR

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