

Edwin vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./2377/2022

Appellant : EDWIN

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 31ST DAY OF MARCH 2022 / 10TH CHAITHRA,
1944 CRIME NO.104/2022 OF MANNUTHY POLICE STATION,
THRISSUR DISTRICT PETITIONERS/ACCUSED:

1 EDWIN, AGED 23 YEARS, S/O PAUL ANTONY, OLLUKKARAN
VEEDU, OLLUR VILLAGE, VALARKAVU DESOM, THRISSUR TALUK,
THRISSUR DISTRICT, PIN - 680 306. 2 AKSHAY, AGED 20 YEARS,
S/O VINOY, VELLARA VEEDU, N V NAGAR, KECHERI, NADATHARA
VILLAGE, THRISSUR TALUK, THRISSUR DISTRICT., PIN - 680 751. 3
ASHIN V.A, AGED 19 YEARS, S/O ANIL PAUL, VADAKKUPURATH

VEEDU,KERALA POLICE ACADEMY,RAMAVARMAPURAM
DESOM,VILVATTOM, THRISSUR TALUK, THRISSUR DISTRICT., PIN
- 680 751. BY ADV. RAJIT

RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. BY SRI.
T.R. RANJITH (SR.PP) THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 31.03.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ORDER

This is an application for regular bail.

2. Petitioners are the accused Nos.2 to 4 in Crime No.104

of 2022 of Mannuthy Police Station, Thrissur District, alleging commission of offences under Sections 294(b), 341, 323, 324 and 308 read with Section 34 of the Indian Penal Code. The allegation against the petitioners is that they along with the other accused illegally restrained and attacked the de-facto complainant while the de-facto complainant was travelling with his brother. It is alleged that the 2nd accused attacked the de-facto complainant using a knife, while accused Nos.1 uttered obscene words and accused Nos.3 and 4 attacked the de-facto complainant using their hands and legs.

3. The learned counsel for the petitioners would submit

that the petitioners are absolutely innocent in the matter. It is submitted that the petitioners have been falsely implicated. It is submitted that the only non-bailable offence alleged is that under Section 308 of the Indian Penal Code, which, at any rate, is not attracted to the facts and circumstances of the case. It is

submitted that no serious injuries were caused to the de-facto complainant on account of the alleged attack. It is submitted that even going by the First Information Statement, the only injury sustained from the knife used by the 2nd accused is a minor scratch. It is submitted that the de-facto complainant by his

own showing had not even gone to hospital to obtain treatment. It is submitted that the petitioners have been in custody for 53 days and their continued detention is not necessary for the purpose of any investigation.

4. The learned Public Prosecutor opposes the grant of bail.

It is submitted that the petitioners are part of a criminal gang and each of them are involved in several cases, including NDPS matters. It is submitted that if the petitioners are released on bail, there is every chance of flare up and the likelihood of similar offences being committed is very bright. It is submitted that the petitioners are not, therefore, entitled to be released on bail.

5. Having regard to the facts and circumstances of the

case and considering the age of the petitioners, I am of the view that the petitioners can be granted bail subject to strict conditions. Though several criminal antecedents including NDPS cases are stated to be registered against the petitioners, I am of the view that the petitioners can be granted bail taking into account the background of this case. Moreover as they have been in custody for 53 days, their continued detention may not be necessary for the purpose of investigation.

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

(1) Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees Fifty Thousand) each with two solvent sureties each for the like sum to the satisfaction of the Jurisdictional Court;

(2) Petitioners shall not attempt to influence or intimidate the de-facto complainant or any witness in Crime No.104 of 2022 of Mannuthy Police Station, Thrissur District;

(3) Petitioners shall report before the investigating officer in Crime No.104 of 2022 of Mannuthy Police Station, Thrissur District, every Monday and Friday at 10.00 A.M until further orders;

(4) 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.104 of 2022 of Mannuthy Police Station, Thrissur District, may file an application before the Jurisdictional Court for cancellation of bail. It is made clear that if the petitioners get involved in any other offence, the investigating officer / Station House Officer, Mannuthy Police Station shall file an application for cancellation of bail.

Sd/- GOPINATH P. JUDGE DK

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