

Dhaneesh 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./2472/2022

Appellant : Dhaneesh

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 BAIL APPL. NO. 2472 OF 2022 PETITIONERS/ACCUSED NOS. 1
TO 6: 1 DHANEESH AGED 25 YEARS PALLIPARAMBIL HOUSE,
KOLAHALAMEDU KARA, VAGAMON VILLAGE, IDUKKI DISTRICT, PIN
- 685501 2 VISHNU AGED 23 YEARS S/O. VENUKUMAR,
MELTHANDATHIL HOUSE, KOLAHALAMEDU KARA, 3 MIDHUN
AGED 24 YEARS NANIPARAYIL HOUSE, KLOAHALAMEDU KARA,
VAGAMON VILLAGE, IDUKKI DISTRICT, PIN - 685501

4 HARIKRISHNAN AGED 24 YEARS S/O. VINOD KUMAR, VINODALAYAM HOUSE, KOLAHALAMEDU KARA, 5 ARUN KUMAR AGED 22 YEARS S/O. PRADEEP KUMAR, PALACKAL HOUSE, KOLAHAMEDU KARA, 6 DAS AGED 45 YEARS S/O. SELVAMANI, PALLIPPARAMBIL HOUSE, KOLAHAMEDU KARA, BY ADVS. E.VIJIN KARTHIK SUJESH MENON V.B. RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR SRI. M.C. ASHI (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioners are the accused in Crime No.130/2022 of Vagamon Police Station, Idukki district alleging commission of offences under Sections 143, 144, 147, 148, 326, 324, 323, 294(b) r/w 149 of the Indian Penal Code.

2. The petitioners who are employees of an amusement park at Vagamon, Idukki are accused of having attacked the de- facto complainant and others and causing serious injuries to them.

3. The learned counsel for the petitioners would submit

that the de-facto complainant and others had trespassed into the amusement park and this was questioned by the petitioners, following which a scuffle occurred. It is submitted that the petitioners have also filed a complainant against the de-facto complainant and others following which Crime No.131/2022 has been registered at the very same Police Station. It is submitted that the petitioners have no criminal antecedents and their custodial interrogation is not necessary in the facts and circumstances of the case.

4. The learned Public Prosecutor opposes the grant of

bail. It is submitted that the serious injuries were occasioned to two persons owing to the attack by the petitioners. The wound certificates in respect of the persons who were injured are referred to, to point out that the petitioners are not entitled to be released on bail.

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

and considering the nature of allegations against the petitioners and taking into account the fact that no criminal antecedents are reported against the petitioners and also taking into account the fact that Crime No.131/2022 of the very same Police Station has been registered against the de-facto complainant and others on the complaint of the petitioners herein, I am inclined to allow this application as their custodial interrogation does not appear to be necessary for the proper investigation into the matter.

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) 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) Petitioners shall report before the investigating officer in Crime No.130/2022 of Vagamon Police Station, Idukki at 10.00 AM on 04.04.2022 and 05.04.2022 and thereafter whenever called upon to do so;

(iii) Petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.130/2022 of Vagamon Police Station, Idukki district;

(iv) 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.130/2022 of Vagamon Police Station, Idukki district may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE AJ APPENDIX OF BAIL APPL. 2472/2022 PETITIONER ANNEXURES

Annexure 1 THE TRUE COPY OF THE FIR DATED 18/2/2022 IN CRIME NO. 130/2022 OF THE VAGAMON POLICE STATION Annexure 2 THE TRUE COPY OF THE FIR DATED 19/2/2022 IN CRIME NO. 131/2022 OF VAGAMON POLICE STATION Annexure 3 A TRUE COPY OF THE PETITION DATED 5/3/2022 TO THE DISTRICT POLICE CHIEF, IDUKKI DISTRICT Annexure 4 CERTIFIED COPY OF THE ORDER DATED THE HONBLE SESSIONS COURT, THODUPUZHA IN CRL.M.C. NO. 228/2022

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