

Abhijith. a.S. vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-29-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./3398/2022

Appellant : Abhijith. a.S.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
WEDNESDAY, THE 29TH DAY OF JUNE 2022 / 8TH ASHADHA, 1944
BAIL APPL. NO. 3398 OF 2022 CRIME NO.337/2022 OF KOVALAM
POLICE STATION, THIRUVANANTHAPURAM PETITIONER/2ND
ACCUSED: ABHIJITH. A.S. AGE 21 S/O. AJITH KUMAR,
KARIKKAKATHU KUZHI VEEDU, AVADUTHURA, VIZHINJAM P.O.,
THIRUVANANTHAPURAM DISTRICT BY ADV SHAJIN S.HAMEED
RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
PINCODE - 682031 BY ADV PUBLIC PROSECUTOR OTHER
PRESENT: SR.PP - SMT. SEETHA S. THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 29.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA No.3398 of 2022 2

VIJU ABRAHAM, J.

B.A. No.3398 of 2022 Dated this the 29th day of June, 2022

ORDER

This is an application for anticipatory bail.

2. Petitioner is arrayed as 2nd accused in Crime No.337 of

2022 of Kovalam Police Station, Thiruvananthapuram registered alleging commission of offences punishable under Sections 294(b), 341, 324 and 308 read with Section 34 of the Indian Penal Code.

3. Prosecution case is that on 27.03.2022 at about 10.30 p.m.

accused 1 to 3 in furtherance of their common intention to cause harm to the defacto complainant, petitioner herein/2nd accused telephonically informed the defacto complainant to come to his place and when he reached at Vaykkol Kulam, Thozhikal, 2 nd accused caught hold of the stomach of the defacto complainant from his left side and the 3 rd accused caught hold of his left hand and thereby wrongfully restrained him. Thereafter the 1st accused after hurling abuses at the defacto complainant, using a knife attempted to inflict injury on him which was blocked by him, resulting in the knife hitting on his left wrist and consequently defacto complainant sustaining deep injuries to that part and also severe bleeding. The accused once again attempted to inflict injury to the defacto complainant which was evaded by him by pushing

BA No.3398 of 2022 3 the 2nd and 3rd accused so as to wriggle out from their clutches, but in that process the knife caused deep injuries to the ribs and consequent bleeding. Had he not evaded, it would have certainly resulted in his instant death and thereby the accused 1 to 3 have attempted to commit culpable homicide.

4. Petitioner submits that he is totally innocent of the charges

levelled against him. It is contended that there occurred difference of opinion between the defacto complainant and the 1st accused which ultimately resulted in a fight. Though the petitioner herein along with other friends tried to stop them from fighting, the defacto complainant had sustained minor injuries during the fight.

5. Learned Public Prosecutor seriously opposed the

application for bail mainly contending that it is due to enmity towards the defacto complainant in objecting to the consumption of liquor by the accused in the road leading to the defacto complainant's house that the petitioner telephonically intimated him to come to the spot and the petitioner/2nd accused and 3rd accused caught hold of him and the 1st accused using a knife inflicted injuries to the left wrist and ribs of the defacto complainant. Learned Public Prosecutor upon instruction further submitted that the weapon used is yet to be recovered and therefore custodial interrogation of the petitioner is absolutely necessary. As per the prosecution case, it is the petitioner who has telephonically intimated the defacto complainant and brought him to the

BA No.3398 of 2022 4 spot and he along with the 3rd accused caught hold of the defacto complainant so that the 1st accused could inflict injuries with knife. Taking into consideration the active involvement of the petitioner in the alleged crime and that the weapon used for the alleged assault is yet to be recovered, I am not inclined to grant anticipatory bail to the petitioner. It is for the petitioner to surrender and seek for bail. Bail application is accordingly dismissed. Sd/- VIJU ABRAHAM JUDGE cks

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