

Rajeev vs State of Kerala

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Court : Kerala

Decided On : Jul-29-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./4177/2022

Appellant : Rajeev

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 BAIL
APPL. NO. 4177 OF 2022 Crime No. 437 of 2022 of Kottiyam Police
Station, Kollam PETITIONERS/2ND & 3RD ACCUSED: 1 RAJEEV
AGED 33 YEARS RESIDING AT CHANDRA BHAVAN,
THRIKOVILVATTOM, THATTARKONAM, THATTARKONAM
.P.O.KOLLAM, PINCODE -691005 (2ND ACCUSED), PIN - 691005 2
SUMESH .M.SURESH@ ACHU AGED 32 YEARS RESIDING AT SUNI
BHAVAN, KURUMANNA MUKHATHALA,P.O.MUKHATHALA,KOLLAM,
PINCODE-691577(3RD ACCUSED), PIN - 691577 BY ADVS. B.DIPU
SACH DEEV ARUN BABU RESPONDENT/S: STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: PP - SMT. NIMA JACOB THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 29th day of July, 2022 The petitioners are accused Nos. 2 and 3 in Crime No. 437 of 2022 of Kottiyam Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 294(b), 323, 324, 326 read with Section 149 of the Indian Penal Code.

2. The prosecution case is that, on 22.05.2022, in the procession carried out during a temple festival, there occurred some verbal altercation between the petitioners and the complainant. Thereafter the complainant went to the residence of the petitioners and then the petitioners attacked the complainant and thereby they have committed the aforesaid offences.

3. Learned counsel for the petitioners submits that

they have been falsely implicated in the above crime. According to the learned counsel, even going by the prosecution case, there was a scuffle between two groups in connection with the temple festival and both sides sustained injuries. It is further submitted that accused Nos. 4, 5 and 6 have already been granted pre-arrest bail by the Sessions Court as per Annexure A1 order, and accused Nos. 1 and 7 have been released on regular bail.

4. The learned Public Prosecutor opposed the application on the ground that serious overt acts were alleged against the petitioners. It is also submitted that the petitioners have no criminal antecedents. Considering the nature of allegations against the petitioners and considering the fact that the petitioners have no other criminal antecedents, I am inclined to grant bail to the petitioners. The above bail application is allowed with the following directions: The petitioners shall surrender before the investigating

officer on 05.08.2022 and co-operate with the investigation. In the event of arrest of the petitioners in Crime No.437 of 2022 of Kottiyam Police Station, the petitioners shall be produced before the jurisdictional Magistrate and shall be released on bail on the following conditions:

(i) Petitioners shall execute a bond for sum of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioners shall appear before the investigating officer as and when summoned to do so;

(iii) Petitioners shall co-operate with the investigation;

(iv) Petitioners shall not tamper with any evidence;

(v) Petitioners shall not directly or indirectly make any

inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer;

(vi) Petitioners shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating Officer may file an application before the jurisdictional court for cancellation of bail. It is made clear that it is within the power of the police

to investigate the matter and if necessary, to effect recoveries on the information, if any, given by the petitioners even when the petitioners are on bail as per the judgment of the Apex Court in Sushila Aggarwal and others v. State (NCT of Delhi) and another (2020 (1) KHC 663). Sd/- VIJU ABRAHAM JUDGE sb

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