

Premkumar vs State of Kerala

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Court : Kerala

Decided On : Jun-20-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./4317/2022

Appellant : Premkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
MONDAY, THE 20TH DAY OF JUNE 2022 / 30TH JYAISHTA, 1944
BAIL APPL. NO. 4317 OF 2022 CRIME NO.343/2022 OF
CHENGANNUR POLICE STATION, ALAPPUZHA
PETITIONERS/ACCUSED 1 TO 3: 1 PREMKUMAR AGED 44 YEARS
S/O RADHAKISHNAN NAIR,SREEBHAVANAM,MULAKKUZHA 2 ANIL
T.P S/O PODIYAN,THUNDIYIL KIZHAKKETHIL VEEDU,MULAKUZHA 3
JAYACHANDRAN NAIR@OMANAKUTTAN S/O CHANDRASEKHARA
PANICKER,JAYACHANDRA BHAVANAM,MULAKKUZHA
P.O,CHENGANNUR,ALAPPUZHA, PIN - BY ADVS. P.VINODKUMAR
ASHOK AMMANCHY RESPONDENT/COMPLAINANT: STATE OF

KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 PP - SRI. M.C.ASHI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

Dated this the 20th day of June, 2022

ORDER

This is an application for regular bail.

2. Petitioner is the accused in the Crime No.343 of 2022 of Chengannur Police Station registered alleging commission of offences punishable under Sections 294(b), 341, 324, 323, 506 and 308 read with 34 of IPC.

3. The prosecution case, in brief, is that the accused due to previous

enmity towards the de facto complainant and his friends in furtherance of their common intention wrongfully restrained the de facto complainant and his friend Vishnu, caused hurt to another friend of de facto complainant Dhaneesh by beating him by all the accused and by kicking him. Again the accused caused hurt to said Dhaneesh by 1st accused stabbing him on his left thigh with a sharp edged weapon and when the de facto complainant attempted to obstruct the same A1 stabbed him also which was evaded by the de facto complainant. If the de facto complainant had not evaded from the stabbing of A1, it would have resulted in his death and thereby committed the abovesaid offences. Petitioners were arrested in connection with the crime on 27.05.2022 and is in custody since then.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. Learned counsel for the petitioners submitted that the petitioners are in custody from 27.05.2022 onwards and they have no other criminal antecedents.

6. The learned Public Prosecutor opposed the bail application. Learned

Public Prosecutor submits that the injuries suffered by the three persons are severe. Learned counsel for the petitioner submits that the petitioners have no other criminal antecedents and are absolutely innocent in the matter and that they are falsely implicated in the case.

7. Having regard to the facts and circumstances of the case, considering

the nature of the allegations and taking into consideration the fact that the petitioners are in custody from 27.05.2022 onwards and that they have no other criminal antecedents, I am inclined to grant bail to the petitioners on the following conditions:

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

(ii) They shall appear before the investigating officer in Crime No.343 of 2022 of Chengannur Police Station on every Saturday at 11 am, for a period of three months or until filing of final report, whichever is earlier.

(iii) They shall not attempt to interfere with the investigation or to influence any witness in Crime No.343 of 2022, Chengannur Police Station.

(iv) The petitioner shall not enter the local limits of the Chengannur police station where the defacto complainant is residing except for the purpose of complying with condition No.(ii) above;

(v) They shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the investigating officer in Crime No. 343 of 2022, Chengannur Police Station may file an application before the jurisdictional court, for cancellation of bail. Sd/- VIJU ABRAHAM JUDGE Isn

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