

Akhil vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./4675/2022

Appellant : AKHIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944
(CRIME NO.88/2022 OF KODUNGALLOOR POLICE STATION,
THRISSUR) PETITIONER/ACCUSED: AKHIL, AGED 20 YEARS S/O
SANTHOSH, PARRAKKAL HOUSE, NARAYANAMANGALAM P O,
PULLOOT VILLAGE, KODUNGALLUR THALUK , THRISSUR 680664,
PIN - 680664. BY ADV P.V.JEEVESH RESPONDENT/COMPLAINANT:
STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN -
682031 OTHER PRESENT: PP - SRI. M.C.ASHI THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2022,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail.

2. Petitioner is the second accused in Crime No.88 of 2022 of Kodungallur Police Station, alleging commission of offences punishable under sections 143, 147, 341, 323, 326 of the Indian Penal Code.

3. The allegation is that the first accused hit the defacto complainant with a sugarcane stick and thereby caused bone fracture to the defacto complainant and thereby committed the aforesaid offence.

4. Learned counsel for the petitioner submitted that petitioner was not committed any offence and he was not present at the place of occurrence. It is further submitted that first accused was already arrested and released on bail.

5. Learned Public Prosecutor opposed the application

for bail mainly contending that in the alleged incident there occurred a fracture of the nasal bone of the defacto complainant and the petitioner is also actively involved in the incident. It is submitted that there is no rivalry between the petitioner and the defacto complainant. It is further submitted that the serious overtacts are alleged against the first accused and that petitioner has no other criminal antecedents.

6. Considering the facts and circumstances of the case,

considering the nature of the allegations and taking into consideration the fact that the petitioner has no other criminal antecedents, I am inclined to grant anticipatory bail to the

petitioner. In the result, this application is allowed. Petitioner

petitioner in connection with the Crime No.88 of 2022 of Kodungallur Police Station he shall be released on bail subject to the following conditions:-

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

(ii) Petitioner shall appear before the investigating officer in Crime No.88 of 2022 of Kodungallur Police Station as and when called for.

(iii) The petitioner shall not attempt to influence the defacto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.88 of 2022 of Kodungallur Police Station,

(iv) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.88 of 2022 of Kodungallur Police Station, 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 petitioner even when the petitioner is 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 R.AV

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