

Binu vs State of Kerala

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Court : Kerala

Decided On : Jan-24-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./9716/2021

Appellant : BINU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 24TH DAY OF JANUARY 2022 / 4TH MAGHA, 1943
BAIL APPL. NO. 9716 OF 2021 CRIME NO.2213 OF 2021 OF PALODE
POLICE STATION, THIRUVANANTHAPURAM.
PETITIONER/ACCUSED NO.2: BINU,AGED 42 YEARS S/O.
RAMACHANDRAN, RESIDING AT BINU VILASOM, KALLIPPARA,
NANDIYODE, PACHA P.O, NEDUMANGAD THIRUVANANTHAPURAM,
PIN - 695541 BY ADV V.S.THOSHIN RESPONDENTS/STATE &
COMPLAINANT:

1 STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN -

682031 2 THE STATION HOUSE OFFICER, PALODE POLICE STATION, NEAR COMMUNITY HEALTH CENTRE, THIRUVANANTHAPURAM, PIN - 695562 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: SRI. NOUSHAD K.A. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.9716/2021 2

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in Crime No.2213/2021 of Palode Police Station, Thiruvananthapuram District alleging commission of offences under Sections 323, 324 & 326 of the Indian Penal Code.

3. The allegation against the petitioner is that he, owing to a dispute with the de facto complainant, pushed the de facto complainant down and beat him with a wooden stick causing severe injuries including fracture.

4. The learned counsel for the petitioner submits that the petitioner and the de facto complainant were friends and owing to some

issues between them, there was a scuffle following which the de facto

complainant had fallen down and had sustained injuries. It is submitted that the petitioner has not attacked the de facto complainant with a wooden stick, as alleged.

5. The learned Public Prosecutor opposes the grant of anticipatory

bail. He submits, with reference to the wound certificate in respect of the de facto complainant, that the de facto complainant has suffered serious injuries including fracture.

6. Having regard to the facts and circumstances of the case and considering the fact that no criminal antecedents are reported against the petitioner and also considering the fact that the custodial interrogation of the B.A.No.9716/2021 3 petitioner may not be necessary, in the facts and circumstances, I am inclined to grant anticipatory bail to the petitioner.

7. In the result, this application is allowed. It is directed that the petitioner shall be released on anticipatory bail, in the event of arrest in Crime No.2213/2021 of Palode Police Station, subject to the following conditions:-

(i) Petitioner shall execute bond for a sum 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) Petitioner shall appear before the investigating officer in Crime No. 2213/2021 of Palode Police Station at 9 A.M., on 31.1.2022 and 1.2.2022 and thereafter whenever called upon to do so;

(iii) Petitioner shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.2213/2021 of Palode Police Station;

(iv) 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.2213/2021 of Palode Police Station, may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE acd B.A.No.9716/2021 4
APPENDIX OF BAIL APPL. 9716/2021 PETITIONER ANNEXURES Annexure1
THE TRUE COPY OF THE ORDER IN CRIMINAL MISCELLANEOUS PETITION
NO. 2742/2021 DATED 24/11/2021 OF THE HONOURABLE ADDITIONAL
SESSIONS JUDGE-II, THIRUVANATHAPURAM

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