

**Ratheesh 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./10082/2021

**Appellant :** Ratheesh

**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. 10082 OF 2021 CRIME NO.922/2021 OF Chalakkudy  
Police Station, Thrissur AGAINST THE ORDER/JUDGMENT IN CRMC  
2058/2021 OF ADDITIONAL DISTRICT COURT, THRISSUR

PETITIONER/ACCUSED: RATHEESH AGED 35 YEARS, S/O.  
AYYAPPANKUTTY, ETHAPPILLY HOUSE, ANCHUCOMPANY ROAD,  
NAYARANGADI DESOM, KODASSERY VILLAGE, CHALAKUDY  
TALUK, THRISSUR DISTRICT, PIN - 680721. BY ADVS. A.C.DEVY  
K.R.RAMISH RESPONDENT/COMPLAINANT: STATE OF KERALA  
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM - 682 031. SRI. C.K. SURESH, SR. P.P BY  
ADV ADDL.DIRECTOR GENERAL OF PROSECUTION THIS BAIL  
APPLICATION HAVING COME UP FOR ADMISSION ON 24.01.2022,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.  
No.10082/2021 -2-

## **ORDER**

The petitioner is the accused in Crime No.922/2021 of Chalakudy Police Station, Thrissur District alleging commission of offences under Sections 324 and 307 of the Indian Penal Code.

2. The allegation against the petitioner is that the petitioner with an

intention to kill his own mother, he attacked and injured her and inflicted cut injury on the back side of her neck and on her face and thereby he committed the offences alleged against him.

3. The learned counsel for the petitioner submits that the petitioner

had not attacked his mother in the manner suggested by the prosecution. It is submitted that owing to some disputes there was some argument between him and his mother but he had no occasion to attack his mother in the manner suggested. It is submitted that his mother has filed an affidavit before this court stating that she has no objection in bail being granted to the petitioner. It is submitted that the petitioner has been in custody from 01-12- 2021 and his continued detention is not necessary for the purposes of any investigation.

4. The learned Public Prosecutor vehemently opposes the grant of

bail. It is submitted that if the petitioner is granted bail he will return back to the house where his mother is also residing and there is every chance of the offence being repeated. It is also submitted that a successful prosecution of B.A. No.10082/2021 -3- the petitioner may not be possible if he is released on bail as there is every chance that even the injured may turn hostile to the prosecution case.

5. Having regard to the facts and circumstances of the case and

considering the fact that the petitioner has been in custody for 55 days and his continued detention may not be necessary for the purpose of investigation in the matter, I am of the view that the petitioner can be granted bail subject to strict conditions. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a 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) The Petitioner shall report before the Investigating officer in Crime No.922/2021 of Chalakudy Police Station on every Saturday at 11 a.m until further orders;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.922/2021 of Chalakudy Police Station;

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

B.A. No.10082/2021 -4- If the petitioner violates any condition the Station House Officer, Chalakudy Police Station shall file an application before this court for cancellation of bail. Sd/- GOPINATH P. JUDGE AMG

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