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Jayakuttan vs State of Kerala

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Court : Kerala Orders

Decided On : Nov-29-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./8994/2022

Appellant : Jayakuttan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM TUESDAY, THE 29TH DAY OF NOVEMBER 2022 / 8TH AGRAHAYANA, 1944 BAIL APPL. NO. 8994 OF 2022 CRIME NO.1057/2022 OF Kayamkulam Police Station, Alappuzha PETITIONER/ACCUSED: JAYAKUTTAN,AGED 26 YEARS S/O UDAYABHANU, MADATHILPADEETTATHIL, PERINGALA P.O., KAYAMKULAM, ALAPPUZHA, PIN - 690559 BY ADVS. SHERIN EDISON GEORGE VARGHESE(PERUMPALLIKUTTIYIL) MANU SRINATH NIMESH THOMAS RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031 2

SHO KAYAMKULAM POLICE STATION, KAYAMKULAM, ALAPPUZHA, PIN - 690572 BY PP SRI.M.C.ASHI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.11.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

B.A. No. 8994 of 2022 Dated this the 29th day of November, 2022

ORDER

This is an application for anticipatory bail.

2. Petitioner is the sole accused in Crime No.1057 of 2022 of Kayamkulam Police Station, Alappuzha registered alleging commission of offences punishable under Sections 323, 324, 341, 326 and 506 of the Indian Penal Code.

3. The prosecution allegation is that on 03.11.2022 at 8.20 p.m.,

the petitioner, with the deliberate intention to cause bodily harm to the informant, inflicted injuries on the body of the informant due to the enmity between them which arose when the informant forbade the petitioner from speaking bad words in public on the occasion of 28 th Onam festival. The physical injury was caused with the use of a metal bangle worn by the accused, when the informant was standing near Kunnathalummoodu Beverages outlet. The petitioner hit hard on the left cheek of the informant and also restrained the informant from going anywhere and then continuously hit the informant's head, chest, cheek and stomach. This resulted in the right molar of the informant being half chipped and inflicted three factures to the mandible (jaw bone). By intimidating and threatening the informant, the petitioner caused serious bodily harm to him. Thus the accused has committed the abovesaid offences.

4. Petitioner submits that he has been falsely implicated in the

abovesaid crime and that even going by the prosecution allegations, offence punishable under Section 326 IPC will not lie inasmuch as the alleged weapon

used is a steel bangle.

5. Learned Public Prosecutor seriously opposed the application

for bail mainly contending that the defacto complainant was brutally attacked by the petitioner and he sustained three fractures and lost teeth also. Learned Public Prosecutor upon instructions further submitted that the petitioner is involved in two other criminal cases. To the said submission learned counsel for the petitioner submitted that as regards Crime No.2672 of 2018, it has been settled.

Considering the facts and circumstances of the case and the

seriousness of the allegations, I am not inclined to grant pre-arrest bail to the petitioner. It is for the petitioner to surrender before the investigating officer and co-operate with the investigation. In the event of arrest of the petitioner, he shall be produced before the jurisdictional Magistrate on the very same day. If an application for bail is filed with prior notice to the Public Prosecutor, the jurisdictional Magistrate may consider the bail application preferably on the very same day.

Sd/- VIJU ABRAHAM JUDGE cks

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