

Shyam vs State of Kerala

Shyam vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1575180

Court : Kerala Orders

Decided On : Nov-28-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./9135/2022

Appellant : SHYAM

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
MONDAY, THE 28TH DAY OF NOVEMBER 2022 / 7TH AGRAHAYANA,
1944 BAIL APPL. NO. 9135 OF 2022 CRIME NO.545/2022 OF
Cheranelloor Police Station, Ernakulam PETITIONER/1ST ACCUSED:
SHYAM,AGED 24 YEARS,S/O SHAJI, THRIKKUNNASSERY HOUSE,
MOTHER THERESA LANE, SOUTH CHITTOOR, CHERANALLOOR
VILLAGE, ERNAKULAM, PIN - 682027 BY ADV P.A.MUJEEB
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, PIN - 682031 BY SR.PP SMT.SEETHA S. THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 28.11.2022,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA
No.9135 of 2022 2

VIJU ABRAHAM, J.

B.A. No.9135 of 2022 Dated this the 28th day of November, 2022

ORDER

This is an application for regular bail.

2. Petitioner is the 1st accused in Crime No. 545 of 2022 of

Cheranalloor Police Station, Ernakulam District. The offences alleged against the petitioner are punishable under Sections 323, 324, 457, 427, 506 and 308 read with Section 34 of the Indian Penal code.

3. The prosecution allegation is that on 30/09/2022 at about

8.00 p.m. the accused persons in furtherance of common intention the 1st accused attempted to commit culpable homicide by attacking him with an iron rod and hit his shoulder with iron pipe and also attacked using interlock stone on his back and thereby committed the above said offences.

4. Petitioner submits that he was arrested on 05.11.2022 and is in

custody since then. It is further submitted that he has been falsely implicated in the alleged crime and he is hailing from a reputed family and is leading a decent life.

5. Learned Public Prosecutor seriously opposed the application for bail mainly contending that due to an enmity of not giving money for consuming liquor, the accused trespassed into the house of the defacto BA No.9135 of 2022 3

complainant and he was attacked with an iron pipe and an interlock block and the defacto complainant sustained injury. The defacto complainant was threatened and a loss of Rs.20,000/- was caused to the residential building and the home appliances. The petitioner was arrested only on 05.11.2022, and the investigation

is only at the initial stage. It is further submitted by the learned Public Prosecutor that the petitioner is a habitual offender and he is a constant threat to women and children of the locality and if he is released on bail there is every chance for disruption in the law and order situation and to threaten the witnesses and destroy the evidence and also to abscond from the clutches of the law. It is further submitted that the petitioner is involved in fourteen other criminal cases.

Considering the seriousness of the allegation against the

petitioner, who has attacked the defacto complainant after trespassing into his residential house and also taking into consideration the serious criminal antecedents of the petitioner of having been involved in fourteen other criminal cases, the apprehension raised by the learned Public Prosecutor cannot be brushed aside. Therefore, I am not inclined to grant bail to the petitioner at this stage, and the bail application is accordingly dismissed.

Sd/- VIJU ABRAHAM JUDGE cks

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com