

Ahammad vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-29-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./56/2021

Appellant : Ahammad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 29TH DAY OF JANUARY 2021 / 9TH MAGHA, 1942 Bail
Appl..No.56 OF 2021 CRIME NO.114/2020 OF PARAVOOR POLICE
STATION , KOLLAM PETITIONER/ACCUSED: AHAMMAD, AGED 19
YEARS, VARIL VEEDU, KONGAL CHERRY, KOTTAPURAM VILLAGE,
KOLLAM BY ADVS. SRI.PRATHEESH.P SMT.S.SEETHA
SMT.ANJANA KANNATH RESPONDENTS: 1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM PIN-682031 2 STATION HOUSE OFFICER,
PARAVOOR POLICE STATION, R1 BY PUBLIC PROSECUTOR R1-2
BY DIRECTOR GENERAL OF PROSECUTION OTHER PRESENT:

SRI.S.SAJJU - SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.01.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

On 29th day of January, 2021 APPLICATION FOR ANTICIPATORY BAIL. The applicant is the 3rd accused in Crime No. 114 of 2020 of Paravoor Police Station, Kollam, for having allegedly committed offences punishable under Sections 341, 450, 323, 324, 326, 307, 302 read with Section 34 of the PC. The prosecution case, in brief, is this:

2. On 19.

2. 2020, at about 9.30 PM, at a house bearing No. XII I/287 of Paravur Municipality, the applicant along with two other accused, in furtherance of common intention, trespassed there the 1st accused beat the father of the defendant with a beer bottle which caused laceration of his forehead on the upper and lower jaw and thereafter, the accused Nos. 2 and 3 slapped him on his face and cheek and caused hurt to him. Accused Nos. 1 to 3 also kicked the defendant and attempted to commit murder. Their crime was initially registered as offences excluding Section 302 of the PC. The applicant was arrested and they were granted bail by this Court vide order dated 03.04.2020. Subsequently, on 10.04.2020, the charge under Section 302 of the PC was added. Accused nos. 1 and 2 were released on bail initially by this Court vide order dated 07.12.2020. When charged under Section 302 of the PC was incorporated, the application for bail was allowed vide Annexure II, because the applicant was already in custody and they have been subject to custodial interrogation, recovery was also completed. Under the circumstances, the apprehension of arrest again for an offence under Section 302 of the PC does not arise. The applicant can continue on the same bail. However, in view of the fact that the final report has already been filed, the direct order rendered before the applicant's bail application for regular bail, which shall be considered and disposed of preferably on the same day. Sd/- ASHOK MENON JUDGE NR/29/01/2021