

P.V.Simon vs State of Kerala

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Court : Kerala

Decided On : Feb-12-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./498/2021

Appellant : P.V.Simon

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 12TH DAY OF FEBRUARY 2021 / 23RD MAGHA,1942
CRIME NO.709/2020 OF Ramamangalam Police Station, Ernakulam
PETITIONER/S: P.V.SIMON AGED 69 YEARS SON OF VARKEY,
PADIEDATH HOUSE, OORAMANA KARA, MEMMURY VILLAGE,
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT BY ADVS.
SRI.GEO PAUL SHRI.JACOB GEORGE PALLATH SHRI.NAVEEN T.U.
SRI.GEO PAUL SRI.C.R.PRAMOD SRI.RADHIKA RAJASEKHARAN P.
RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM R1 BY
PUBLIC PROSECUTOR SMT.V.SREEJA -PP THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 12.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 12th day of February 2021 This is an application filed under Section 438 of Cr.P.C seeking anticipatory bail. The applicant is the sole accused in Crime No.709/2020 of Ramamangalam Police Station, Ernakulam, for having allegedly committed offences punishable under Sections 294(b), 323 and 326 of the IPC.

2. The prosecution case, in brief, is that on 11.12.2020 at about 7.30 p.m, near the house of

the applicant, he was hurled abuses at t
region leading to paralysis of the left side.

3. The applicant states that the allegations are not true. The brother of the applicant is a political leader and was also a candidate for the local body elections and due to political rivalry the de facto complainant had attempted to barge into the applicant's house, as a result of which

there was a scuffle. The de facto complainant allegedly fell down and sustained some injuries, for which the applicant is not responsible. The applicant has no criminal antecedents. He is 69 years old and therefore seeks pre-arrest bail. He is willing to co-operate with the investigation.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned Public Prosecutor points out that the injuries are grievous and left side of

the de facto complainant has been paralyzed because of the injuries sustained on the left side of his head. The weapon is yet to be identified and until the applicant is subjected to custodial interrogation, the identity and recovery of weapon may not be possible. Hence, the application for bail is vehemently opposed by the learned Public Prosecutor.

6. After having heard the submissions on both sides, I find that the applicant is a senior citizen with no criminal antecedents. He is willing to co-operate with the investigation. The

incident took place near the house of the applicant, which suggests the probability of the defence version. Under the circumstances, I am not inclined to decline bail. There is no possibility of his absconding or not co-operating with the investigation. Hence, the applicant is directed to surrender before the investigating officer within

two weeks. In the event of his arrest, after interrogation and recovery if any, he shall be released on bail on execution of a bond for Rs.50,000/-(Rupees Fifty thousand only) with two solvent sureties for the like amount each to the satisfaction of the investigating officer and on the following conditions; i. He shall not tamper with evidence, influence or intimidate witnesses. ii. He shall appear before the investigating officer as and when called for. iii. He shall not get involved in similar offences during the bail period. In the event of violating the bail conditions, the prosecution shall be at liberty to apply for cancellation of bail before the jurisdictional court. Sd/- ASHOK MENON JUDGE SPK

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