

Vinod @ Kuttan vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./1425/2021

Appellant : Vinod @ Kuttan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA,
1943 Bail Appl..No.1425 OF 2021 CRIME NO.2046/2020 OF
Anchalummoodu Police Station , Kollam PETITIONER/S: VINOD @
KUTTAN AGED 36 YEARS SON OF VISHWANATHAN PILLAI, JALAJA
BHAVAN , KUZHIYAM ,CHEMMAKKAD CHERRY, PERINAD VILLAGE,
KOLLAM BY ADV. SRI.RENJIT GEORGE RESPONDENT/S: 1 STATE
OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH
COURT OF KERALA 2 SUB INSPECTOR OF POLICE
ANCHALUMMOODU POLICE STATION, ANCHALUMMODU, KOLLAM
R1 BY PUBLIC PROSECUTOR

OTHER PRESENT: SRI.SANTHOSH PETER SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.03.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.1425 OF 2021 2

ORDER

Dated this the 31st day of March 2021 Application for anticipatory bail under Section 438 of Cr.P.C. The applicant is the third accused in Crime No. 2046/2020 of Anchalumoodu Police Station, Kollam for having allegedly committed offences punishable under Sections 143, 147, 148, 341, 323, 324, 427, 452 and 308 r/w Section 149 of IPC.

2. The prosecution case, in brief, is that on 20.12.2020 at

about 5 p.m. the applicant and the rest of the accused formed an unlawful assembly and in the prosecution of the common object of the said unlawful assembly, they committed riot armed with deadly weapons like sword and iron rods and trespassed into the property of the de facto complainant and allegedly hurt the brother of the de facto complainant with a sword causing a lacerated injury on the back of his head with the knowledge that it would cause his death and thus attempted to commit culpable homicide.

3. The applicant states that he is innocent and the

Bail Appl..No.1425 OF 2021 3 allegations are not true and that in fact the de facto complainant's husband and others had attacked the applicant on 20.12.2020 and had caused very serious injuries to him, in consequence of which Crime No.2045/2020 was registered in the same police station for offences punishable under Sections

308 and 354 of IPC. It is stated that it is only as a counterblast, this false and fictitious case has been registered against the applicant. The applicant has no criminal antecedents and therefore he seeks anticipatory bail.

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

5. It is admitted by the learned Public Prosecutor that the

applicant has no criminal antecedents. But the applicant is allegedly wielding a sword with which he has inflicted a lacerated wound on the back of the de facto complainant's head and therefore the recovery of the weapon will have to be made, for which he has to be interrogated. Hence, the applicant is not entitled to pre-arrest bail. The applicant is directed to surrender before the investigating officer within two weeks. In the event of his arrest, after interrogation and Bail Appl..No.1425 OF 2021 4 recovery, he shall be produced before the jurisdictional court, where he is at liberty to apply for a regular bail, which shall be considered and preferably disposed of on the same day. SD/- ASHOK MENON JUDGE rmm

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