

Jaffer 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./2287/2021

Appellant : Jaffer

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.2287 OF 2021 CRIME NO.1213/2020 OF
Mangalapuram Police Station, Thiruvananthapuram PETITIONER/S:
JAFFER AGED 35 YEARS PUTHUVAL
PUTHENVEEDU,KUZHIALAKKAL,PALLIPPURAM-PO. BY ADV.
SRI.V.P.REMESH RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA 2 STATION HOUSE OFFICER MANGALAPURAM POLICE
STATION 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:

O R D E R

Dated this the 31st day of March 2021 APPLICATION FOR ANTICIPATORY BAIL
The applicant is the second accused in Crime No.1213/2020 of Mangalapuram Police station, Kollam District for having allegedly committed offences punishable under Sections 294(b), 323, 324, 326 and 506 read with section 34 of the Indian Penal Code.

2. The prosecution case, in brief, is that on 04/07/2020

at about 2.30 PM while the de facto complainant was travelling on a scooter along the Pallippuram Kuzhiyalakkal road he saw the accused assaulting Noufal, who is a staff of his shop, and when the de facto complainant objected to this, the 1st accused hurled abuses at him slapping on his face and thereafter the 2 nd accused/applicant beat him on the back with an iron rod and because of the assault of the applicant, the left arm of the de facto complainant was fractured. Thus the applicant and the rest of the accused committed the offence.

3. The applicant states that the allegations are untrue

and that the de facto complainant and the aforesaid Noufal are the members of the anti-social group and have been creating problems for the people and the residents of that locality and that there are cases pending against the de facto complainant and his henchmen for having trespassed into the house of the applicant's sister and also outraging her modesty and committing mischief. The applicant, therefore, seeks pre-arrest bail.

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

5. The specific allegation against the applicant is that he

had caused fracture injury by assaulting the de facto complainant by means of dangerous weapons like an iron rod, which is not yet recovered. The first accused was arrested. The applicant is involved in another crime also. Under the circumstances, I find that the discretionary relief of anticipatory bail cannot be granted to the applicant.

6. The applicant is, therefore, directed to surrender

before the Investigating Officer within two weeks. In the event of his being arrested, after interrogation and recovery, if any, he shall be produced before the jurisdictional court, where he is at liberty to apply for regular bail, which shall be considered and preferably disposed of by the jurisdictional court on the very same day. The bail application is disposed of as above. Sd/-

ASHOK MENON JUDGE jg

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