

Bijoy vs State of Kerala

Bijoy vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1627290

Court : Kerala

Decided On : Apr-27-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./2996/2021

Appellant : BIJOY

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
TUESDAY, THE 27TH DAY OF APRIL 2021 / 7TH VAISAKHA, 1943
CRIME NO.494/2021 OF Medical College Police Station ,
Thiruvananthapuram PETITIONER/ACCUSED: BIJOY AGED 36 YEARS
CHARUVILA KUNNIL VEEDU, MADAN VILA, NELLIKUZHI,
CHENNILODE, MEDICAL COLLEGE.P.O., THIRUVANANTHAPURAM-
695011 BY ADV. SRI.S.CHANDRASEKHARAN NAIR RESPONDENTS:

1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA 2 SHO MEDICAL COLLEGE MEDICAL
COLLEGE POLICE STATION THIRUVANANTHAPURAM, KERALA 3

THULASEEDHARAN T.C.95/1095, CHARUVILA KUNNIL VEEDU, NELLIKUZH, ANAMUKAM WARD, KADAKAMPALLY VILLAGE, MEDICAL COLLEGE.P.O., THIRUVANANTHAPURAM PIN-695011 R1 BY PUBLIC PROSECUTOR SRI.M.R.DHANIL, PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

27.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 27th day of April 2021 This is an application filed u/s 438 of Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the accused in Crime No.494/2021 of Medical Police Station, Thiruvananthapuram. The offences alleged are under Sections 452, 294(b), 324 and 326 of IPC.

3. The prosecution case in short is that, on

17.03.2021 at about 3.00 p.m., the petitioner trespassed into the house of the defacto complainant and after hurling abusive words assaulted him with a stone as a result of which the defacto complainant lost his two teeth's and thereby committed offences.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioner submitted that the petitioner is absolutely innocent and he has been falsely implicated in the present case. He further submitted

that there are no materials to connect the petitioner with the alleged crime and hence he is entitled to get bail. The learned Public Prosecutor opposed the bail application. He contended that the alleged incident occurred as a part of the intentional criminal acts of the petitioner and if the petitioner is released on bail at this stage, it would affect the course

of investigation.

6. Even though, the alleged incident was occurred on

17.03.2021, the FIR was lodged only on 26.03.2021. Annexure A2 complaint would show that the mother of the petitioner has filed a petition before the police against the defacto complainant, thereafter the present crime was registered. Considering the allegations levelled against the petitioner, the custodial interrogation of the petitioner does not appear to be necessary. For all these reasons, the petitioner is entitled to pre-arrest bail on conditions.

In the result, the application is allowed on the following conditions:-

(i) The petitioner shall be released on bail

in the event of his arrest on executing a bond for `1,00,000/- (Rupees One lakh only) with two solvent sureties for the like sum each to the satisfaction of the arresting officer/investigating officer, as the case may be.

(ii) The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for the purpose of discovery, if any, as and when demanded.

(iii) The petitioner shall appear before the

investigating officer between 10.00 a.m and 11.00 a.m on every Saturday until further orders. The petitioner shall also appear before the investigating officer as and when required by him.

(iv) The petitioner shall not commit any offence of like nature while on bail.

(v) The petitioner shall not make any attempt to contact any of the prosecution

witnesses, directly or through any other person, or any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(vi) The petitioner shall not leave State of Kerala without the permission of the trial Court. Sd/- DR. KAUSER EDAPPAGATH JUDGE VPK

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