

Akhil vs State of Kerala

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Court : Kerala

Decided On : May-26-2021

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./3131/2021

Appellant : AKHIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR WEDNESDAY, THE 26TH DAY OF MAY 2021 / 5TH JYAISHTA, 1943 CRIME NO.1565 OF 2020 OF KOODAL POLICE STATION PETITIONER/S/ACCUSED: 1 AKHIL AGED 26 YEARS MICHABHOOMI PUTHEN VEEDU, MICHABHOOMI KOODAL P.O., KONNI TALUK, PATHANAMTHITTA DISTRICT. PATHANAMTHITTA, PIN - 689693 2 ANEESH AGED 24 YEARS S/O.ANIYAN ANEESH BHAVANAM, PANGODU THEKKEKKARA, KOODAL P.O., KONNI TALUK PATHANAMTHITTA DISTRICT. PATHANAMTHITTA, PIN - 689693 BY ADV SIMLA PRABHAKARAN RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT

OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR, SMT.M.K. PUSHPALATHA, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioners are accused in Crime No.1565 of 2020 of Koodal Police Station, registered for the offences punishable under Sections 341, 323 and 354 read with Section 34 IPC.

2. The prosecution allegation can be briefly stated as follows: The petitioners and the informant are neighbours.

They were in enemical terms. While so, there was a scuffle between the petitioners and the informant on 25.12.2021 at about 2.45 p.m. In that scuffle, the petitioners and the other accused physically assaulted and outraged the modesty of the informant.

3. The petitioners have filed this application praying for the relief under Section 438 Cr.P.C.

4. Heard.

5. The learned Counsel for the petitioners has no serious objection in allowing this application. The learned Public Prosecutor has submitted that the petitioners are not involved in any other offence. The

informant sustained only minor injuries in the incident. The petitioners did not use any weapon in the incident. The third accused was already granted pre- arrest bail by the Sessions Court, submitted at the bar. Considering the facts and circumstances of the case, including the fact that the petitioners are the first time offenders, I am inclined to grant pre-arrest bail to the petitioners.

In the result, this application stands allowed and it is

directed that the petitioners shall be enlarged on bail, in the event of their arrest in the above said crime, on condition of each of the petitioners executing a bond for Rs.35,000/- (Rupees Thirty Five Thousand only) each, with two solvent sureties each, each for the like sum to the satisfaction of the Station House Officer concerned before whom the petitioners shall surrender within twenty days, if not arrested in the meantime and subject to the following conditions:

(i) The petitioners shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.

(ii) The petitioners shall not get involved in any other offence of similar nature during the pendency of this case.

(iii) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation. Sd/- B.SUDHEENDRA KUMAR JUDGE
RK/26.05.2021

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