

Ratheesh vs State of Kerala

Ratheesh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1632834

Court : Kerala

Decided On : Apr-30-2021

Judge : Honourable Dr. Justice Kauser Edappagath

Appeal No. : Bail Appl./3274/2021

Appellant : Ratheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE DR. JUSTICE KAUSER EDAPPAGATH
FRIDAY, THE 30TH DAY OF APRIL 2021 / 10TH VAISAKHA, 1943 Bail
Appl..No.3274 OF 2021 CRIME NO.313/2021 OF PUTHOOR POLICE
STATION , Kollam PETITIONER/APPLICANTS/ACCUSED 1 &2 : 1
RATHEESH AGED 23 YEARS RATHEESHBHAVANAM,
THEVALAPPURAM P.O, PUTHOOR VILLAGE,
KOTTARAKKARATALUK, KOLLAM DISTRICT, KERALA. 2 SUDHEESH
AGED 22 YEARS PALLITHUNDILVEEDU, THEVALAPPURAM
P.O,PUTHOOR VILLAGE, KOTTARAKKARATALUK, KOLLAM
DISTRICT, KERALA BY ADVS. SRI.K.C.SANTHOSHKUMAR
SMT.K.K.CHANDRALEKHA SMT.ANUPAMA JOHNY SMT.K.S.SUDHA

RESPONDENTS/COMPLAINANTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA 2 STATION HOUSE OFFICER PUTHOOR POLICE STATION, KOLLAM R1 BY PUBLIC PROSECUTOR M.R.DHANIL. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.04.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of April 2021 This is an application filed u/s 438 of Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioners are the accused Nos.1 and 2 in Crime No. Sections 323, 324 & 326 of IPC.

3. The prosecution case in short is that on 28.3.2021 at 7 p.m., the petitioners attacked the defacto complainant with an iron rod causing him fracture thereby committed the offence.

4. Heard both sides and perused the case diary.

5. The learned counsel for the petitioners submitted that the

petitioners are absolutely innocent and they have been falsely implicated in the present case. He further submitted that there are no materials to connect the petitioners with the alleged crime and hence they are 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 petitioners and if the

petitioners are released on bail at this stage, it would affect the course of investigation.

6. A perusal of the F.I statement would show that the incident

started when the defacto complainant brought one Pradeep to the the scene of occurrence and started to question the accused persons. The statement would

further show that the scuffle was initiated by the defacto complainant and the said Pradeep. Even though, the incident was taken place on 28.3.2021, the complaint was filed only after two weeks. The petitioners have no criminal antecedents. Considering the

allegations levelled against the petitioners, their custodial interrogation does not appear to be necessary. For all these reasons, the petitioners are entitled to pre-arrest bail on conditions. In the result, the application is allowed on the following conditions:-

(i) The petitioners shall be released on bail in the event of their

arrest on executing a bond for `1,00,000/- (Rupees One lakh only) each 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 petitioners shall fully co-operate with the investigation, including subjecting themselves to the deemed police custody for the purpose of discovery, if any, as and when demanded.

(iii) The petitioners shall appear before the investigating officer

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

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

(v) The petitioners 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 petitioners shall not leave State of Kerala without the permission of the trial Court. Sd/- DR. KAUSER EDAPPAGATH JUDGE AI/-