

**Sudheesh vs State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1639543](https://sooperkanoon.com/1639543)

**Court :** Kerala

**Decided On :** May-31-2021

**Judge :** Honourable Mr. Justice Raja Vijayaraghavan V

**Appeal No. :** Bail Appl./3889/2021

**Appellant :** Sudheesh

**Respondent :** State of Kerala

**Judgement :**

BAIL APPL. NO. 3889 OF 2021 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V MONDAY, THE 31ST DAY OF MAY 2021 / 10TH JYAISHTA, 1943 BAIL APPL. NO. 3889 OF 2021 PETITIONER/S: SUDHEESH AGED 25 YEARS REVATHY BHAVAN, VELLAMPARA, NILAMEL.P.O., KOTTARAKKARA, KOLLAM DISTRICT-691535., PIN - 691535 BY ADV P.ANOOP (MULAVANA) RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 AJITH MURALI- PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.05.2021, THE COURT ON THE SAME DAY

## ORDER

This application is filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner herein is the 1st accused in Crime No.364 of 2021 of the Chadayamangalam Police Station registered under Sections 294(b), 324 and 308 of the IPC and Section 27 of the Arms Act.

3. The prosecution allegation is that on 15.03.2021 at about 11.30 p.m.,

the accused Nos.1 to 3, in furtherance of their common intention attacked the defacto complainant causing injuries. It is specifically alleged that the 3rd accused sprayed pepper on his eye and thereafter accused Nos.1 and 2 inflicted cut injuries with a sword stick and chopper respectively. Medical records reveal that the informant sustained lacerated multiple wounds on his face and other serious injuries.

4. The learned counsel appearing for the petitioner submitted that the petitioner is innocent.

5. The learned Public Prosecutor has opposed the prayer. Reference is made to the medical records to highlight the serious injuries inflicted by the accused.

6. I have carefully considered the submissions advanced and have

carefully evaluated the materials. While considering the prayer for grant of anticipatory bail, this Court has to strike a balance and it has to be ensured that no prejudice should be caused to the free, fair and full investigation. At the

BAIL APPL. NO. 3889 OF 2021 3 same time harassment, humiliation and unjustified detention of the accused will also have to be avoided. The wound certificates prima facie show that serious injuries were sustained by the victim at the hands of the accused. The records reveal that the investigation is still in the early stages. By no stretch of imagination can it be said that the allegations against the petitioner are frivolous or that he has been falsely implicated. As of

now, the claim of the learned counsel for the petitioners that the allegations against the petitioner is of vague nature cannot be countenanced. A probe into the veracity of the allegations at this point of time is not warranted. Suffice to say, considering the nature of the allegations, the role assigned to the petitioner and the severity of the injuries inflicted, and the stage of investigation, I find no plausible reason to interfere with a free, fair and full investigation in the instant case.

7. At this stage Sri. P. Anoop, the learned counsel, submits that the

petitioner is ready to cooperate with the investigation. I direct the petitioner to surrender before the Investigating officer forthwith. After interrogation, he shall be produced before the Court having jurisdiction. If an application for regular bail is preferred, the same shall be considered and orders shall be passed expeditiously and on its merits.

This application is dismissed. Sd/- RAJA VIJAYARAGHAVAN V JUDGE sru

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