

Vishnu Jp vs State of Kerala

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Court : Kerala

Decided On : Sep-28-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./3874/2021

Appellant : Vishnu Jp

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. TUESDAY, THE 28TH DAY OF SEPTEMBER 2021 / 6TH ASWINA, 1943 CRIME NO.166/2021 OF KOZHINJAMPARA POLICE STATION, PALAKKAD PETITIONERS/ACCUSED: 1 VISHNU JP MELE PUTHEN VEEDU, VAZHAPALLY, KOTTOOR, MANNOORKARA, THIRUVANANTHAPURAM, PIN - 695574 2 ALEX FRANCIS S/O FRANCIS K, ALEX BHAVAN, ARANAMKODE, CHERIYAKONNI PIN - 695013 BY ADV M.R.SASITH RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 SMT.SREEJA.V-SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

28.09.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Apprehending arrest in connection with Crime No.166 of 2021 of Kozhinjampara Police Station, Palakkad District registered for the offences punishable under Sections 353, 332 and 324 of the Indian Penal Code, the petitioners have filed this application under Section 438 of the Code of Criminal Procedure.

2. The prosecution allegation is that on 06.05.2021 at

about 12.30 hours the defacto complainant and his team were on official duty, while so they have noticed a vehicle bearing registration No.KL 21 J 2007 coming through the public road. The defacto complainant has shown signal to stop the vehicle on suspicion, but they have not stopped the vehicle and they accelerated the vehicle towards the defacto complainant and sustained injuries to his hand. Thus they have used criminal force to deter the defacto complainant and his team from discharging their official duty and thereby committed the aforesaid offences.

3. Heard the learned counsel for the petitioners as well the learned Public Prosecutor.

4. The learned counsel for the petitioners would submit that, they have not committed any offence as alleged by the prosecution. But they are apprehending arrest in connection with the crime.

5. The learned Public Prosecutor has submitted that the investigation of the case is well in progress.

6. The petitioners are accused Nos.1 and 3 in the crime.

Both of them are aged 22 years having no criminal antecedents. The alleged incident was on 06.05.2021. The 2nd accused involved in this case has been arrested and later released on bail. The vehicle used by the petitioners had already been recovered by the investigating agency. Though the offences alleged

against these petitioners are grave and serious in nature, considering their age as well the fact that they have no criminal antecedents, I think that this application can be disposed of directing them to surrender before the investigating officer on 04.10.2021 between 10 a.m and 11.30 a.m. Upon their surrender, after recording their arrest and interrogation, they shall be released on bail on the same day subject to the following conditions :-

(i) The petitioners shall be released on bail on executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties for the like sum each to the satisfaction of the investigating officer. One surety shall be a close relative.

(ii) They shall appear before the Investigating Officer for interrogation as and when required by him, in writing.

(iii) They shall co-operate with the investigation and trial of the case.

(iv) They shall not directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(v) They shall not commit any offence while on bail.

In case of violation of any of the above conditions, the learned Magistrate/Judge is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE
mpm

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