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Sunil Joseph vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-09-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./5812/2021

Appellant : Sunil Joseph

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY, THE 9TH DAY OF AUGUST 2021 / 18TH SRAVANA, 1943 (CRIME NO.178/2021 OF CHERUPPUZHA POLICE STATION, KANNUR) PETITIONER/ACCUSED: SUNIL JOSEPH AGED 49 YEARS S/O.JOSEPH, MOONNANAL HOUSE, NOW RESIDING AT ACM VILLA, CHERUPUZHA P.O., KANNUR DISTRICT, PIN-670 511. BY ADV N.P.PRAJEESH RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031 SR.PUBLIC PROSECUTOR - SMT. SREEJA V THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.08.2021, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING:

ORDER

The petitioner is the sole accused in Crime No.178/2021 of Cherupuzha police station in Kannur District, which was registered alleging offence punishable under Sections 341, 324, 294(b) and 307 of the IPC. The alleged incident had happened on 23.07.2021 at 9.45 a.m. It is alleged that the petitioner had attacked and injured the defacto complainant with a knife and incised wound was caused on the neck of the defacto complainant. The petitioner was arrested on 24.07.2021 and since then is in judicial custody.

2. Heard the learned counsel on both sides.

3. The learned counsel submits that the petitioner is a

lawyer, that he was residing in a rented flat on the ground floor whereas the defacto complainant was on the upstairs. That day, the defacto complainant and his friend had taken drinks and then poured waste water from above which infuriated the petitioner and that led to a scuffle among the petitioner that the defacto complainant and his friend. In the scuffle, the knife kept by the friend had caused hurt to the defacto complainant and the that petitioner had not used any weapon at all.

4. The learned Senior Public Prosecutor has strongly

opposed the bail application. According to her, very serious injuries have been caused on the neck of the defacto complainant. There is an incised wound 12x2 cms on the neck of the defacto complainant.

5. The allegations are very serious. The defacto

complainant has sustained very grievous injuries. He was arrested only on 24.07.2021. Investigation is only at the preliminary stage. Even though it is submitted that there was a counter case as Crime No.183/2021, according to the learned Senior Public Prosecutor that has turned out to be a false case. It is too early to release the petitioner on bail. At this stage, the petitioner cannot be released on bail. Bail application is dismissed.

Sd/- K.HARIPAL JUDGE SMF

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