

Sahil vs State of Kerala

Sahil vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1783579

Court : Kerala

Decided On : Jul-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./4263/2020

Appellant : SAHIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
THURSDAY, THE 30TH DAY OF JULY 2020 / 8TH SRAVANA, 1942
AGAINST THE ORDER/JUDGMENT IN CRMC 719/2020 OF DISTRICT
COURT & SESSIONS COURT, TRIVANDRUM CRIME NO.157/2020 OF
AIROOR POLICE STATION , Thiruvananthapuram PETITIONER/S:
SAHIL AGED 18 YEARS SALEER, RESIDING AT MUKKU. BY ADV.
SHRI.SAMEER M NAIR RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN-682 301. 2 STATION HOUSE OFFICER
AYIROOR POLICE STATION, THIRUVANANTHAPURAM
RURAL, THIRUVANANTHAPURAM DISTRICT. OTHER PRESENT:

SRI.AMJAD ALI SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.07.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of July 2020 This application is filed under Section 438 of the Code of Criminal Procedure seeking anticipatory bail.

2. The applicant is the 4th accused in Crime No. 157 of 2020

of Ayiroor Police Station, Thiruvananthapuram, for having allegedly committed offences punishable under Section 143, 147, 148, 341, 294(b), 323, 324 and 326 of the Indian Penal Code.

3. The prosecution case in brief that on 01.03.2020 at about

10 p.m., while the 2nd accused was passing through in his motorcycle in a rash and negligent manner, he bumped into the defacto complainant, who questioned him. Annoyed, the accused persons formed in an unlawful assembly and in prosecution of the common object, attacked the defacto complainant with dangerous weapons like knuckleduster and caused an injury on his nasal bone, and thus committed the offence. Accused Nos. 1, 2 and 5 have already been arrested and recovery is also complete. Therefore, the applicant submits that he may be released on a pre-arrest bail as he does not have any criminal antecedents and he is willing to co-operate with the investigation.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The applicant does not have any criminal antecedents.

Considering the present pandemic situation and the fact that the recovery is already completed after arresting some of the co-accused, custodial interrogation of the petitioner may not be necessary.

6. In the result, the bail application is allowed and the

applicant is directed to surrender before the Investigating Officer within three weeks, and in the event of his being arrested, he shall be released on bail on execution of bond for Rs.50,000/- (Rupees Fifty Thousand only), with two solvent sureties, each for the like sum to the satisfaction of the Investigating Officer and on following further conditions:

(i) He shall appear before the Investigating Officer as and when called for;

(ii) He shall not influence or intimidate witnesses or tamper with evidence; and

(iii) During the bail period, he shall not get involved in

any similar offences. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court. Sd/-
ASHOK MENON Dxy JUDGE

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com