

Maneesh vs State of Kerala

Maneesh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1810352

Court : Kerala

Decided On : Oct-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./6672/2020

Appellant : Maneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942
Bail Appl..No.6672 OF 2020 CRIME NO.1357/2020 OF Poochakkal
Police Station , Alappuzha PETITIONER/A3: MANEESH AGED 23
YEARS PANAMBUKATTUKULANGARA HOUSE, PANAVALLY P.O,
PIN- 688 526. ALAPPUZHA. BY ADV. SRI.D.VIMAL DEV
RESPONDENT/S: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM - 682031. R1
BY PUBLIC PROSECUTOR OTHER PRESENT: SRI.AJITH MURALI SR
PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.10.2020, THE COURT ON THE SAME DAY PASSED THE

FOLLOWING:

O R D E R

Dated this the 30th day of October 2020 This is an application seeking regular bail under Section 439 Cr.PC.

2. The applicant is the third accused in Crime

No.1357/2020 of Poochakkal Police Station for having allegedly committed offences punishable under Sections 143, 147, 148, 341, 323, 324 and 307 read with Section 149 IPC.

3. The prosecution case, in brief, is that on 22.8.2020

at about 2.30 p.m., the applicant and the other five accused were members of an unlawful assembly, and in prosecution of the common object of the said unlawful assembly, they committed riot armed with deadly weapons like, axe, beer bottle and sticks, and wrongfully restrained the de facto complainant, and thereafter, assaulted him with the aforesaid weapons and also with hands and thereby attempted to commit murder.

4. The applicant states that he is innocent and the

allegations are not true and the dispute was between the de facto complainant and the brother of the first accused regarding non-payment of the salary which was deposited in the account of the brother of the first accused, due to the de facto complainant. The applicant was only present at the scene of occurrence and the only overt act attributed to him is that after the de facto complainant fell down, he also had attacked him with a stick. The first accused is the one who was wielding the axe and serious injuries were caused to the de facto complainant with that axe. The second accused had used a beer bottle to assault the de facto complainant. Considering the fact that the applicant has no criminal antecedents and that the recovery is already over and that he has been in judicial custody since 8.9.2020, it is prayed that he may be released on bail. Accused Nos.5 and 6 were arrested and have been released on regular bail, while the fourth accused was granted

anticipatory bail by this Court.

5. Heard the learned counsel for the applicant and the learned public prosecutor.

6. The applicant had allegedly hit the de facto

complainant with a stick. But no serious injury or grievous hurt was caused to the de facto complainant. It was the first accused who had attacked the de facto complainant with dangerous weapon, like an axe. The applicant has been in judicial custody for a fairly long time. Recovery is also complete, and therefore, I find that further incarceration of the applicant may not be necessary keeping in view the fact that he has no other criminal antecedents. The learned Prosecutor submits that there is a possibility of the failure of the law and order, in case the applicant is released on bail, and therefore, conditions may be imposed. In the result, the bail application is allowed and the applicant is directed to be released on bail on execution of a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties, each for the like amount to the satisfaction of the jurisdictional court and on the following conditions:

(i) He shall appear before the investigating officer on every Monday between 9 a.m. and 12 noon for a period of three months or till filing of the final report, whichever is earlier.

(ii) He shall not enter the jurisdiction limit of the Poochakkal police station for a period of three months or till filing of the final report, whichever is earlier, except for compliance of condition No.(i).

(iii) He shall not attempt to influence or intimidate the witnesses or tamper with evidence.

(iv) He shall not get involved in similar offences

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