

Satheesh vs State of Kerala

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Court : Kerala

Decided On : Oct-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./6758/2020

Appellant : Satheesh

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
CRIME NO.3036/2020/2020 OF Pathanamthitta Police Station ,
Pathanamthitta PETITIONER/ACCUSED: SATHEESH AGED 35 YEARS
S/O SOMASUNDARAN NAIR, SATHEESH VILLA, VAZHAMUTTAM
EAST P.O., VALLICODE VILLAGE, PATHANAMTHITTA PIN - 689646.
BY ADV. SRI.M.T.SURESHKUMAR RESPONDENT/S: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT
OF KERALA, ERNAKULAM - 682031. R1 BY PUBLIC PROSECUTOR
OTHER PRESENT: SRI.AJITH MURALI PP THIS BAIL APPLICATION
HAVING COME UP FOR ADMISSION ON 30.10.2020, THE COURT ON

THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 30th day of October 2020 This is an application seeking anticipatory bail filed under Section 438 Cr.PC.

2. The applicant is the first accused in Crime No.3036/2020 of Pathanamthitta Police Station for having allegedly committed offences punishable under Sections 323, 324 and 341 read with Section 34 IPC. Subsequently, offence under Section 326 IPC was also incorporated.

3. The prosecution case, in brief, is that on 10.9.2020 at about 1.40 p.m., the applicant and two others

who are his parents in furtherance of common intention assaulted the de facto complainant owing to previous enmity with him and caused a fracture injury to his three ribs by hitting him with a piece of brick and thereby committed the offence.

4. The applicant states that he is innocent and the

allegations are not true and that in fact it was the de facto complainant who had trespassed into his property and created a ruckus and also attacked the applicant and his parents. In consequence to that, the first crime that was registered was against the de facto complainant as Crime No.3035/2020 for offences punishable under Sections 323,

447, 324 and 506(i) IPC. The applicant states that the allegations by the de facto complainant are not true and even if he has sustained any injury, it could have been the result of a fall during the scuffle. The applicant is a software engineer and is now working from home. The second accused, who is the father of the applicant has already been granted anticipatory bail. Therefore, the applicant also seeks anticipatory bail.

5. Heard the learned counsel appearing for the applicant and the learned Public Prosecutor.

6. It is admitted that the applicant has no criminal antecedents. The weapon that is allegedly used is a piece

of brick. There is also a counter case registered against the de facto complainant and there is also an indication that the de facto complainant had committed trespass into the property of the applicant attracting an offence under

Section 447 IPC.

Under the circumstances, I find that

In the result, the bail application is allowed and the applicant is directed to surrender before the investigating officer within two weeks. After interrogation and recovery, if any, 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 amount to the satisfaction of the investigating officer, and on the following further conditions:

(i) He shall appear before the investigating officer as and when called for and co-operate with the

(ii) He shall not tamper with evidence or intimidate or influence the witnesses.

(iii) He shall not get involved in any similar

offence during the currency of the bail. In case of breach of any of the above bail conditions, the prosecution is at liberty to approach the jurisdictional court for cancellation of the bail. Sd/- ASHOK MENON JUDGE jg

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