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

Bail Appl.No.3421 OF 2020

AGAINST THE ORDER/JUDGMENT IN CRMC 282/2020 OF DISTRICT COURT & SESSIONS COURT,KOLLAM

CRIME NO.1168/2020 OF Karunaagapally Police Station , Kollam

PETITIONER/4TH ACCUSED:

SHANU SHAJILAL
S/O.SHAJILAL.A.,
SHANU MANZIL, NEELIKULAM, VAVVAKKAVU.P.O,
KARUNGAPPALLY.

BY ADV. SRI.M.R.SASITH

RESPONDENTS/STATE:

1 **STATE OF KERALA**
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN-682031.

2 **THE SUB IINSPECTOR OF POLICE**
KARUNGAPPALLY POLICE STATION,
KOLLAM, PIN-690518.

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:

ASHOK MENON, J.

B.A. No. 3421 of 2020

Dated this the 30th day of July, 2020

O R D E R

This is an application for anticipatory bail under Section 438 of Cr.P.C.

2. The applicant is the 4th accused in Crime No.1168/2020 of Karunagappally Police Station for having allegedly committed the offences punishable under Sections 120B, 294(b), 333, 326 and 307 read with Section 34 of I.P.C. The prosecution case in brief is that on 19.04.2020 at about 10.20 PM, the applicant and other co-accused, totaling six in numbers, hatched a conspiracy to assault the police officers on duty, due to animosity about their vehicles being subjected to checking at the Kuzhuveli Picket in respect of COVID-19 restriction in the locality. It is stated that accused 1 to 3 proceeded to the picket station on a motor cycle, and one of them pelted a brick at the police officer on duty and caused a fracture on his right leg. Consequently, the other accused also came there in support of accused 1 to 3 and attacked the policemen on duty.

3. Heard the learned Counsel for the applicant and the learned Public Prosecutor.

4. The submission made by the learned Counsel

appearing for the applicant is that the applicant is not directly involved in the alleged attack, which was admittedly by accused 1 to 3. Accused 1 to 3 had approached this Court and their application for anticipatory bail was dismissed and directed them to surrender and subsequently they have been granted regular bail. The applicant had come subsequently and attacked the policemen. There is no specific overt act attributed to the applicant regarding how and with what weapon he had attacked the policeman. He has only one other criminal antecedent, in which he has already been released on anticipatory bail. Hence the learned counsel pleads for a pre-arrest bail to the applicant.

5. The learned Public Prosecutor has vehemently objected the application stating that the attack on a police officer on duty during this pandemic times cannot be tolerated, and therefore, pre-arrest may not be granted to the applicant and that he has to be interrogated and therefore may be directed to surrender.

6. Considering the entirety of the facts and circumstances in this case, I find that the police officer on duty has been inflicted with a grievous hurt. May be true that the hurt was not directly inflicted by the applicant. But he was part of the alleged conspiracy, which was hatched to attack the policemen on duty during

this pandemic times. It would affect the morale of the police officers adversely, who are doing their duty during these difficult times.

Under the above circumstances, the extra-ordinary jurisdiction of this Court in granting pre-arrest bail cannot be invoked in favour of the applicant. The application is therefore dismissed. The applicant is directed to surrender before the investigating officer within two weeks. After his interrogation, he shall be produced before the jurisdictional Court. He is at liberty to apply for regular bail before that Court.

Sd/-

ASHOK MENON
JUDGE

dkr