IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

THURSDAY, THE 03RD DAY OF DECEMBER 2020 / 12TH AGRAHAYANA, 1942

Bail Appl.No.7413 OF 2020

CRIME NO.2477/2020 OF Valiyamala Police Station , Thiruvananthapuram

PETITIONER/S:

DHANEESH CHANDREN A.S.,
AGED 24 YEARS,
SINDU BHAVAN, UHAPPANCONAM, KARIPOOR PO,
NEDUMANGAD, THIRUANANTHAPURAM - 695541.

BY ADV. SRI.LIJU. M.P

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.

OTHER PRESENT:

SRI.B.JAYASURYA, SR PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 3rd day of December 2020

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

2. The applicant is the 1st accused in Crime No.2477/2020 of Valiyamala Police Station for having allegedly committed the offences punishable under Sections 294(b), 324 and 326 of the I.P.C.

3. The prosecution case, in brief, is that on 25.10.2020 at about 8.30 PM, the applicant and three others in furtherance of common intention assaulted the de facto complainant and the applicant had hit the de facto complainant with a helmet causing a fracture to his facial bone and thus committed the offence.

4. The applicant submits that the allegations are not true and that on 25.10.2020 the applicant and his family were celebrating the birthday, the de facto complainant had allegedly trespassed into his house in

an inebriated condition and demanded money for drinking, which was refused, and there was a scuffle, as a result of the which, the de facto complainant fell down and sustained some injuries. He was taken to the hospital by the applicant and his friends. It is stated that the applicant has nothing to do with the injury sustained to the de facto complainant and prays that he may be granted anticipatory bail.

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

6. The learned Public Prosecutor, under instructions and on perusal of the wound certificate, indicates that the de facto complainant was taken to the hospital on 28.10.2020 and that there is no record showing that the de facto complainant was in an inebriated condition or smell of alcohol. The crime is registered on 26.10.2020. There is genuine doubt regarding the veracity of the claim made by the de facto complainant regarding the assault. It is admitted that the applicant has no criminal

antecedents. The weapon allegedly used is a hamlet, which is not a deadly, dangerous or conventional weapon. Under the circumstances, I find that the custodial interrogation of the applicant is not necessary.

In the result, the bail application is allowed and the applicant is directed to surrender before the investigating officer within two weeks. In the event of his being arrested, he shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties for the like amount each, to the satisfaction of the arresting officer, and on the following conditions:

i) He shall appear before the investigating officer as and when called for;

ii) He shall not attempt to influence or intimidate the witnesses; and

iii) 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/-

dkr

ASHOK MENON

JUDGE