
(2020) 12 KL CK 0272
In the High Court Of Kerala
Case No : Bail Application No. 8119 Of 2020

Al Ameen P.A. And Anr

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 16-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 294(b), 308, 324, 341

Citation : (2020) 12 KL CK 0272

Hon'ble Judges : Ashok Menon, J

Bench : Single Bench

Advocate : Abraham Mathan, C.N. Prabhakaran

Final Decision : Allowed

Judgement

1. This is an application for anticipatory bail under Section 438 of Cr.P.C.
2. The applicants are accused 2 and 4 in Crime No.1246/2020 of Mathilakom Police Station for having allegedly committed the offences punishable under Sections 341, 324, 294(b) and 308 read with Section 34 of the I.P.C.
3. The prosecution case, in brief, is that on 08.11.2020 at about 6.00 PM the applicants in furtherance of common intention with other accused wrongfully restrained the de facto complainant, hurled abuses at him, and thereafter, assaulted him by means of dangerous weapons like an iron rod and caused injuries to him. The blow which was aimed at the head of the de facto complainant was evaded successfully. Had it hit his head, it could have proved fatal.
4. The applicants state that the allegations are not true and that they are innocent. The allegation against the 1st applicant is that he had used a stick,

but no serious injuries have been caused to the de facto complainant. The specific allegation is against the 1st accused, who had used an iron rod to assault the de facto complainant. It is further submitted that the 1st petitioner is a student and also a volleyball player at National Level and they are ready to cooperate with the investigation, and therefore, they may be released on anticipatory bail.

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

6. The learned Public Prosecutor admits that the applicants do not have any criminal antecedents. Further, it is stated that the 1st accused was using a weapon to attack the de facto complainant.

7. Considering the fact that no serious injuries were caused by the applicants and they do not have any criminal antecedents and are willing to

cooperate with the investigation, I find no reason for custodial interrogation of the applicants. The recovery has already been effected.

In the result, the bail application is allowed and the applicants are directed to surrender before the investigating officer within two weeks. In the event

of their being arrested, after interrogation, they shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only) each,

with two solvent sureties for the like amount each, to the satisfaction of the investigating officer, and on the following conditions:

(i) They shall not influence or intimidate witnesses or tamper with evidence;

(ii) They shall appear before the investigating officer as and when called for and shall cooperate with the investigation; and

(iii) During the bail period, they 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.