

(2022) 01 KL CK 0198
In the High Court Of Kerala
Case No : Bail Application No. 464 Of 2022

Anil Kumar V.K. @Babu

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 25-01-2022

Acts Referred:

Indian Penal Code, 1860 — Section 143, 147, 148, 149, 294(b), 307, 308, 447

Citation : (2022) 01 KL CK 0198

Hon'ble Judges : Gopinath P, J

Bench : Single Bench

Advocate : Haran Shahier, Abdurahiman Vayalil Peedikayil, Noushad K.A

Final Decision : Dismissed

Judgement

Gopinath P., J

1. Petitioners are 8th and 9th accused in Crime No.895/2021 of Payyoli Police Station, Kozhikode District alleging commission of offences under

Sectoins 143, 147, 148, 447, 294(b), 324, 308 and 307 of the Indian Penal Code read with 149 of that Code.

2. The allegations against the petitioners is that the petitioners together with a large number of people formed themselves into an unlawful assembly

and attempted to carve a road through the property of the de facto complainant, who was not amenable to surrender this land for the purpose of

formation of the road. There are specific allegations that accused Nos. 1 to 9 in the case also attacked the de facto complainant causing injuries to

him.

3. Learned counsel for the petitioners would submit with reference to Annexure-3 order that accused numbers 1 to 7 in Crime No. 895/2021 were

granted bail by the learned Sessions Judge. It is submitted that by Annexure-2 order, the bail application of the petitioners were rejected solely on the

ground that the petitioners were accused in an earlier case, which is Crime No. 718/2019 of Payyoli Police Station. It is submitted that Crime

No.718/2019 of Payyoli Police Station is a crime registered at the instance of the mother of the de facto complainant in this case and that by itself

could not have been a ground to reject the bail application of the petitioners herein, since, admittedly there are disputes between the petitioners and the

family of the de facto complainant. It is submitted that the petitioners have been in custody from 03.01.2022 and their continued detention is not

necessary in the facts and circumstances of the case. The learned Public Prosecutor on instructions would submit that the de facto complainant had

obtained an order of police protection from this Court and it is essentially violating that order that the petitioners had trespassed into his property and

had attacked him in the manner indicated above. The learned Public Prosecutor submits that yet another crime has been registered a Crime No.

5/2022 at the instance of the de facto complainant with respect to an incident which happened on 01.01.2022. It is submitted that this incident is also

connected with the earlier incidence in which crime has been registered against the petitioners.

5. Having regard to the facts and circumstances and considering the fact that the accused Nos. 1 to 7 have already been released on bail by the

Sessions Court and also considering the fact that Crime No.718/2019 was registered at the instance of the mother of the de facto complainant in

Crime No. 895/2021 and also taking into account of the fact that the allegations are that accused Nos. 1 to 3 had attacked the de facto complainant

with dangerous weapons, I am of the opinion that the petitioners can be granted bail as their continued detention may not be necessary for the

purposes of any investigation.

6. In the result this bail application is allowed. It is directed that the petitioners shall be released on bail, subject to the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the

jurisdictional Court;

(ii) The Petitioners shall report before the Investigating officer in Crime No.895/2021 of Payyoli Police Station on every Saturday at 11 a.m till the filing of the final

report;

(iii) The petitioners shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.895/2021 of Payyoli Police Station;

(iv) The petitioners shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.895/2021 of Payyoli Police Station may file an application before

the jurisdictional Court for cancellation of bail.