
(2021) 07 KL CK 0254
In the High Court Of Kerala
Case No : Bail Appl. No. 4338 Of 2021

Lal T.G

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 19-07-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 188, 269, 271, 294(b), 323, 332, 341, 353, 427, 506(i)
Kerala Epidemic Diseases Ordinance, 2020 — Section 3(a), 4(2)(e)
Kerala Police Act, 2011 177(e)

Citation : (2021) 07 KL CK 0254

Hon'ble Judges : K.Haripal, J

Bench : Single Bench

Advocate : S.Sachithananda Pai, Sreeja V

Final Decision : Allowed

Judgement

K.Haripal, J

1. The first accused in Crime No. 197/2021 of Nedumkandom Police Station is now before the court seeking anticipatory bail. That crime was

regisered alleging offence under Sections 188, 269, 271, 294(b), 506(i) 341, 353, 323, 332, 427 read with 34 of the Indian Penal Code besides under

Sections 4(2)(e) read with 3(a) of Kerala Epidemic Diseases Ordinance and Section 117(e) of the Kerala Police Act.

2. The alleged incident had happened on 29.04.2021 at 5.20 P.M. The learned counsel for the petitioner submits that alleging that when his brother had

moved on a motor cycle, which is under the registered ownership of the petitioner; did not stop the vehicle on signal being given by the Assistant Sub

Inspector; thus they wanted to take away the motor cycle and then he raised some protest; he was beaten by the police in front of the public; he did

not commit any such offence. His brother was arrested for the case on 01.06.2021 and had been in custody for 11 days. It is also submitted that the petitioner had suffered beating by the police and that he fell down and was taken to hospital and then it was found that he was suffering from covid

and undergone treatment there. The petitioner has not recovered from post covid complications so far. He is a Railway employee, aged only 35 years.

3. The learned Public Prosecutor has opposed the application. According to her, the Assistant Sub Inspector of Police had suffered a contusion on the

neck due to the manhandling at the hands of the petitioner and another CPO had also suffered injury and that was how Section 332 of the IPC was

invoked. It is also submitted that at that time, he was suffering from covid and violating the protocol, had gone out to a public place. The learned Public

Prosecutor has submitted that the petitioner is also responsible for circulating the entire episode through social media, which was video-graphed.

4. After hearing counsel on both sides, I am not convinced that custodial interrogation of the petitioner is warranted. He does not have criminal

antecedents to his credit. He has permanent place of abode and is a Railway employee; prosecution has no apprehension that he would flee from

justice. The counsel has also undertaken that he would co-operate with Â

investigation and produce the mobile phone before the Investigating Officer. Since, it is alleged that he had circulated the videos taken from the place

of occurrence, in the event of surrendering before the Investigating Officer, he shall produce the mobile phone also.

5. The petitioner shall be at liberty to surrender before the Investigating Officer along with the mobile phone, within ten days from today and will make

himself available for interrogation; in the event of arrest, he shall be released on bail on executing bond for Rs.50,000/-(Rupees Fifty Thousand Only)

with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer; he shall co-operate with the investigation; shall not try to

contact or influence the witnesses or tamper with the evidence and shall not involve in any crime during the period on bail.

The bail application is allowed as above.