

(2022) 07 KL CK 0197

In the High Court Of Kerala

Case No : Bail Application No. 1691 Of 2022

Sunil Kumar.S @ Tipper Sunil

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 21-07-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 34, 294B, 323, 324, 341, 427

Citation : (2022) 07 KL CK 0197

Hon'ble Judges : K. Babu, J

Bench : Single Bench

Advocate : K.Seena, M.C. Ashi

Final Decision : Allowed

Judgement

K.Babu, J

1. This application is filed under Section 438 of the Code of Criminal Procedure.
2. The petitioner is the sole accused in Crime No.1873/2021 of the Pathanamthitta Police Station. The offences alleged against the petitioner are punishable under Sections 294(b), 341 and 353 of IPC.
3. The prosecution case is that on 22.12.2021, at around 4.30 p.m., the petitioner showered abusive words towards the de facto complainant, who was on official duty of checking motor vehicles on the public road at Anappara in Pathanamthitta District and thereby caused obstruction to the official duty of the defacto complainant.
4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.
5. The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged. The learned counsel further submitted that the petitioner only questioned the act of the de facto complainant in not subjecting certain vehicles to checking. The learned counsel also submitted that

no custodial interrogation is required in this case.

6. The learned Public Prosecutor opposed the bail plea on the ground that the petitioner has criminal antecedents. It is reported that the petitioner is the accused in Crime No. 2986 of 2018 of Pathanamthitta Police Station alleging offences under Sections 294B, 341, 323, 324, 427 r/w Section 34 IPC.

7. Having gone through the entire materials, I am of the view that there is some doubt as to the genuineness of the allegations levelled against the petitioner. There is no possibility of the petitioner to flee from justice. Considering the entire circumstances, I am of the view that the petitioner could establish a prima facie case for getting the benefits contemplated in Section 438 Cr.P.C.

In the result, this Bail Application is allowed as follows :-

(i) The petitioner shall appear before the Investigating Officer on 29.07.2022, for interrogation.

(ii) The petitioner shall co-operate with the investigating agency.

(iii) The Station House Officer, Pathanamthitta Police Station is directed to release the petitioner, on bail, in the event, he is arrested, on his executing bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties each for the like sum.

(iv) The petitioner shall not influence the witnesses in this case or tamper with the evidence.