

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
MONDAY, THE 31ST DAY OF MAY 2021 / 10TH JYAISHTA, 1943

BAIL APPL. NO. 1126 OF 2021

PETITIONER:

SUBASH S.S.
AGED 31 YEARS
SUBHASH BHAVAN, KARINGAL KONAM, KOTTAMPALLY, KANDALA
P.O., KATTAKADA TALUK, THIRUVANANTHAPURAM DISTRICT
THIRUVANANTHAPURAM, PIN - 695512

BY ADV R.N.SANDEEP

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA
ERNAKULAM, PIN - 682031
- 2 THE CIRCLE INSPECTOR OF POLICE MARANALLOOR POLICE
STATION
MARANALLOOR POLICE STATION, PONGUMMOODU RD,
ARUMALOOR, THIRUVANANTHAPURAM
THIRUVANANTHAPURAM, PIN - 695512

SMT SREEJA P-PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
31.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This application is filed under Section 438 of the Cr.P.C.

2. The applicant herein is the sole accused in Crime No. 2046 /2020 of Maranalloor Police Station, registered for offences punishable under sections 294(b), 427, 323 and 326 of Indian Penal Code.

3. The de facto complainant is the father of the petitioner herein. On 17.11.2020 at about 9.30 p.m. the petitioner is alleged to have manhandled his mother and he committed mischief inside the house by destroying the household utensils. When his father intervened, the petitioner is alleged to have attacked him. It is further alleged that the petitioner then rode his bike towards his father and dashed him down causing multiple rib fractures.

4. The learned counsel appearing for the petitioner contends that the petitioner has settled his disputes with his parents and they have no grievance at present. It is further submitted that the investigation has progressed to the final stages and in that view of the matter, the custodial interrogation of the petitioner is not required.

5. The learned Public Prosecutor has strenuously opposed the prayer. He has made available the wound certificate and it was pointed out that the father has sustained multiple rib fractures and other injuries. The mother had also sustained injuries at the hands of the petitioner.

6. I have carefully considered the submissions advanced and have carefully evaluated the materials. While considering the prayer for grant of

anticipatory bail, this Court has to strike a balance and it has to be ensured that no prejudice should be caused to the free, fair and full investigation. At the same time harassment, humiliation and unjustified detention of the accused will also have to be avoided. The wound certificates *prima facie* show that serious injuries were sustained by the informant at the hands of his own son. The records reveal that the investigation is still in the early stages. By no stretch of imagination can it be said that the allegations against the petitioner are frivolous or that he has been falsely implicated. As of now, the claim of the learned counsel for the petitioner that the allegations against the petitioner are of vague nature cannot be countenanced. A probe into the veracity of the allegations at this point of time is not warranted. Suffice to say, considering the nature of the allegations, the role assigned to the applicant and the severity of the injuries inflicted, and the stage of investigation, I find no plausible reason to grant an order of pre-arrest bail to the petitioner.

This application will stand dismissed.

sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

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