

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. 3844 OF 2021

CRIME NO.56/2021 OF MELATTUR POLICE STATION, MALAPPURAM

PETITIONER/2ND ACCUSED:

VIPIN DAS
AGED 30 YEARS
SON OF AYYAPPAN,
MADATHIL HOUSE,
AMARAMBALAM SOUTH P.O., AMARAMBALAM,
MALAPPURAM DISTRICT

BY ADV K.RAKESH

RESPONDENTS/STATE & COMPLAINANT:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, PIN - 682031.
- 2 THE STATION HOUSE OFFICER
MELATTUR POLICE STATION,
MALAPPURAM DISTRICT
MALAPPURAM, PIN - 679326.

BY ADV PUBLIC PROSECUTOR SMT.SREEJA.V

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 Code of Criminal Procedure.

2. The petitioner herein is the 2nd accused in Crime No.56 of 2021 of the Melattur Police Station. In which crime he is accused of having committed offences punishable under Sections 326, 294(b), 506 read with Section 34 of the IPC.

3. It is alleged that on 6.3.2021 at about 11.30 pm, the petitioner rode a motorbike towards the de facto complainant and knocked him down causing multiple fractures on his right leg.

4. The learned counsel appearing for the petitioner submitted that the de facto complainant was the actual aggressor and that he had consumed alcohol and he had started the whole incident. He would further contend that it was when de facto complainant prevented the petitioner from moving forward that he had fallen down and had suffered the injuries.

5. The learned Public Prosecutor has opposed the prayer. It is submitted that the case records clearly reveal the complicity of the petitioner. Referring to the wound certificate the learned Public Prosecutor highlights the serious nature of the injuries inflicted. It was further submitted that the bike which was used for the commission of the offence has also not been seized.

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 victim at the hands of the accused. 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 interfere with a free, fair and full investigation in the instant case.

7. At this stage the learned counsel submits that the applicant is ready to cooperate with the investigation. I direct the petitioner to surrender before the Investigating officer forthwith. After interrogation, he shall be produced before the Court having jurisdiction. If an application for regular bail is preferred, the same shall be considered and orders shall be passed expeditiously and on its merits.

This application is dismissed.

sd/-

RAJA VIJAYARAGHAVAN V

JUDGE