

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. 3882 OF 2021

PETITIONER/S:

SUNIL KUMAR
AGED 50 YEARS
VALIYA MANGOTTU HOUSE, CHOOLUR P.O, VELLANNUR,
POOLAKKODE VILLAGE, KOZHIKODE TALUK, PIN - 673601

BY ADVS.
P.C.MUHAMMED NOUSHIQ
SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.E.C.AHAMED FAZIL

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA
ERNAKULAM, PIN - 682031

SREEJA.V- 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 seeking pre-arrest bail filed under section 438 of the Code of Criminal Procedure is by the accused in Crime No.128 of 2021 of the Kunnamangalam Police Station registered under Sections 341, 323, 324 and 308 of the IPC.

2. The prosecution allegation is that on 15.04.2021, while the de facto complainant was walking towards his house, the petitioner intercepted him and attacked him with a chopper causing serious injuries.

3. The learned counsel appearing for the petitioner submitted that he is innocent of the allegations.

4. The submission of the learned counsel was very vehemently opposed by the learned Public Prosecutor. The learned Public Prosecutor on instructions submitted that the petitioner is involved in 4 other crimes ie., Crime No.123 of 2004, Crime No.181 of 2006, Crime No.593 of 2012 and Crime No.1108 of 2020, out of which, two crimes are under the Gaming Act and two other crimes are under various offence of the IPC, which includes Section 308 of the IPC. It is also submitted that the weapon which is used for commission of the offence has been seized.

5. I have carefully considered the submissions advanced and have carefully evaluated the wound certificate. 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 records reveal that the investigation is still in the early stages. The petitioner appears to be a person with criminal antecedents. 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 petitioner and the stage of investigation, I find no plausible reason to grant an order of pre arrest bail to the petitioner.

6. At this stage, the learned counsel submits that the petitioner 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

sru