

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

MONDAY, THE 31<sup>ST</sup> DAY OF JANUARY 2022 / 11TH MAGHA, 1943

BAIL APPL. NO. 543 OF 2022

PETITIONER:

DINESH B.P  
AGED 39 YEARS  
S/O. KOLAVAN,  
BHAGAVATHI PARAMBIL HOUSE, THACHARAMKUNNU,  
THRITHALA, PALAKKAD DISTRICT  
, PIN - 679534

BY ADV K.RAKESH

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
PIN - 682031
- 2 THE STATION HOUSE OFFICER  
THRITHALA POLICE STATION,  
PALAKKAD DISTRICT., PIN - 679534

SRI. M.C. ASHI (PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
31.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**GOPINATH.P, J**

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**B.A. No.543 of 2022**  
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Dated this the 31<sup>st</sup> day of January, 2022

**ORDER**

Petitioner is the accused in Crime No.763/2021 of the Thrithala Police Station, Palakkad district alleging commission of offences under Sections 341, 326 and 308 of the IPC.

2. The allegation against the petitioner is that, on 25.12.2021 at about 19.30 hours, on account of previous enmity, the petitioner attacked the defacto complainant with a stone which resulted in fracture of the nose of the defacto complainant. It is also alleged that the petitioner had hit the defacto complainant with an iron pipe and that if the defacto complainant had not warded off the attack, the attack would have resulted in the death of the defacto complainant

3. Learned counsel for the petitioner would submit that the petitioner is absolutely innocent in the matter. With reference to the FIR, it is submitted that the petitioner and the defacto complainant were consuming liquor together and some

arguments had erupted between them regarding the failure of the accused to return an amount of Rs.2000/- borrowed from the defacto complainant. It is submitted that the attack was not a premeditated one and that admittedly the petitioner was under the influence of alcohol. It is submitted that three earlier cases were registered against the petitioner which are all cases registered on account of the fact that the petitioner is a member of a political organization and had taken part in various protests etc. It is also submitted that those offences are trivial in nature.

4. Learned Public Prosecutor on instructions refers to the wound certificate in respect of the defacto complainant and submits that fairly serious injuries including fracture were occasioned to the defacto complainant on account of the attack by the petitioner. It is submitted that the petitioner is not entitled to bail at this point of time. It is also pointed out that the petitioner has criminal antecedents.

5. Having regard to the facts and circumstances of the case and considering the fact that the petitioner has been in

custody from 28.12.2021 and also considering that his further detention may not be necessary for the purpose of any investigation in the matter, and noticing that the criminal antecedents of the petitioner do not compel me to hold that the petitioner is not entitled to be released on bail in this case, I allow this application.

6. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute separate bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) Petitioner shall appear before the investigating officer as in Crime No.763/2021 of Thrithala Police Station as and when called upon to do so;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate any witness in Crime No.763/2021 of Thrithala Police Station;

(iv) The petitioner shall not involve in any

other crime while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.763/2021 of Thrithala Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/-

**GOPINATH P.  
JUDGE**

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**APPENDIX OF BAIL APPL. 543/2022**

PETITIONER ANNEXURES

Annexure1	A TRUE COPY OF THE ORDER DATED 1-1-2022 IN CMP.NO.3997/2021 OF THE HON'BLE JFCM, PATTAMBI
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