

**IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA**

**Present: Sri. Jobin Sebastian, Sessions Judge**

**Thursday the 13<sup>th</sup> day of October, 2022**

**Crl. M.P. No. 4082/2022**

(Crime No. 649/2022 of Arthunkal Police Station)

Petitioner/: Subin V., 37 years, S/o. Vijayan, Kaithattuveli,  
Accused Arepparambu, Cherthala South (Part),  
Cherthala South Ed., Cherthala, Alappuzha.

By Adv. S. Gulzar

Respondent: State of Kerala, rep.by the Chief Secretary, through  
the Sub Inspector of Police, Arthunkal Police Station.

Represented by the Public Prosecutor, Alappuzha.

The petition having been heard on 12.10.2022 and the court on 13.10.2022 passed the following:

**ORDER**

This petition for anticipatory bail has been filed by the sole accused in Crime No.649/2022 of Arthunkal Police Station registered alleging commission of offences punishable under Sections 341, 323, 353 and 506 (i) of IPC.

2. The prosecution allegation is that, on 03.09.2022 at 3:45 p.m., the accused trespassed into the KSEB Section Office, Arepparambu and shouted towards the Superintendent in the said office for disconnecting the electricity connection in his house and thereafter the accused attempted to enter into the cash counter of the said office and when the defacto complainant, who is working as lineman in the said KSEB section, attempted to prevent the accused, the accused caught hold on the uniform of the defacto complainant and assaulted him so as to deter him from discharging his official duty. Hence the accused is alleged to have committed the offences mentioned above.

3. I heard both sides and perused the case diary.

4. The learned counsel for the petitioner submitted that, the petitioner is totally innocent of the allegations levelled against him. The real incident happened in this case is that, on 03.09.2022, the petitioner approached the KSEB office to enquire about the disconnection of his domestic electricity connection. All on a

sudden, the defacto complainant and three other persons restrained the accused and attacked him causing injuries including fracture. With respect to the alleged incident the police had registered a case as Cr.No:651/2022 against the defacto complainant and three other identifiable accused. In order to escape from the said case, the present case is foisted against the petitioner. The petitioner is ready to abide by any condition imposed by this court in the event of granting pre-arrest bail.

5. The learned Public Prosecutor opposed the application.

6. From a perusal of the case diary, it is discernible that, the alleged incident was occurred while the petitioner approached the KSEB office, Areeparambu enquiring about the disconnection of the electricity connection to his house. There is specific allegation that, the accused after reaching in the said office, shouted at the Superintendent and thereafter attempted to enter into the cash counter and when the defacto complainant obstructed the accused, he was attacked by the accused. However, the petitioner is having a case that, it was the defacto complainant and three other identifiable persons who attacked him and the police had registered a case against the defacto complainant and three other identifiable persons. In order to substantiate the same, a copy of the FIR in Cr. No:651/2022 is produced along with this bail application. A perusal of the said FIR reveals that a case has been registered against the defacto complainant and three others alleging commission of offences punishable u/ss.341, 323, 325 r/w 34 IPC. Any how, registration of a counter case is not a reason to justify the offence alleged against the petitioner. However, from a perusal of the case diary, it can be seen that no serious injuries are noticed in the medical examination of the defacto complainant. On the other hand, from the FIR registered in the counter case it emerges that, the petitioner had sustained a fracture on his thumb finger. An in-depth investigation is highly necessary in both the cases to find out how the incident started, developed and ended. Moreover, perusal of the report submitted by the investigating officer shows that charge sheet has already been filed in this case. Considering all the above said aspects, I am of the view that the petitioner can be granted pre-arrest bail, on conditions.

In the result, this petition is allowed on following condition :

1. The petitioner shall surrender before the Jurisdictional Magistrate within seven days of this order and on his surrender, the learned Magistrate shall release him on bail on his execution of bond for Rs.50,000/ with two solvent sureties, each for a like sum to the satisfaction of the Jurisdictional Magistrate.

*(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 13<sup>th</sup> day of October, 2022).*

Sd/-  
**SESSIONS JUDGE**  
**ALAPPUZHA**