

IN THE COURT OF THE SESSIONS JUDGE, ALAPPUZHA

Present: Sri. Jobin Sebastian, Sessions Judge

Wednesday the 12th day of October, 2022

Crl. M.P. No. 4083/2022

(Crime No. 592/2022 of Poochakkal Police Station)

Petitioner: Dijith Raju, 26 years, S/o. Rajappan, Nikarthil House,
Thykattusery Panchayath, Ward-5, Thykattusery P.O.,
Cherthala.

By Adv. Manu Harshakumar

Respondent: State of Kerala,
Represented by the Public Prosecutor, Alappuzha.

The petition having been heard on 11.10.2022 and the court on 12.10.2022 passed the following:

O R D E R

This petition for anticipatory bail has been filed by the first accused in Crime No.592/2022 of Poochackal Police Station, registered alleging commission of offences punishable under Sections 447, 294(b), 324, 323 and 308 r/w. Sec.34 of the IPC.

2. The prosecution allegation is that, on 26-9-2022 at 11 p.m., due to a previous animosity towards the son of the defacto complainant, accused Nos.1 to 4, in furtherance of their common intention, trespassed into the house of the defacto complainant situating in Ward No.1 of Thaikkattusery Panchayat and abused the son of the defacto complainant in filthy language and the first accused beat him using an aluminium pipe and accused Nos.2 to 4 beat him using their hands. When the defacto complainant intervened to rescue her son, the second accused beat on the head of the defacto complainant using an iron rod, causing severe injuries and also beat the husband of the defacto complainant using the same, causing injuries. When the second accused beat aiming at the head of the defacto complainant using an iron rod, she blocked the same by using her hands and if she had not blocked the said attack, her death would have caused. Hence the accused are alleged to have committed the aforementioned offences.

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 petitioner and other accused in this case were the friends of the defacto complainant's son. On the alleged date of occurrence, when the son of the defacto complainant along with the petitioners were consuming liquor, the son of the defacto complainant had picked up quarrel with them and there occurred a scuffle and in the scuffle, the defacto complainant also interfered and she sustained some injury due to a fall. Subsequently, the present case was foisted against the petitioner and his friends by the defacto complainant. The petitioner is ready to abide by any condition imposed by the 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 accusation against the petitioner is prima facie well founded. The allegation that the petitioner along with the other accused in this case had trespassed into the house of the defacto complainant in the wee hours with dangerous weapons and attacked the defacto complainant, her son and her husband has to be viewed seriously. There is specific allegation that, the accused persons even did not spare the defacto complainant and her husband when they intervened to rescue their son from further attack. There is specific allegation that the accused persons used dangerous weapons in the commission of the offence. Except the petitioner herein, all other accused are seen arrested in this case. From the available inputs, it can be seen that specific over act is attributed to the petitioner herein, who is not so far arrested. There is specific allegation that the petitioner herein had beat the son of the defacto complainant by using an aluminium pipe, showering abuses against him. Prima facie it appears that it was a pre-planned attack. In the report submitted by the SHO, it is stated that the petitioner is a person regularly engaged in criminal activities and already five crimes are registered against him. Moreover, the investigation in the case is in the preliminary stage. The weapons allegedly used in

the commission of the offence are to be recovered. Custodial interrogation of the petitioner is highly necessary for the progress of the investigation in this case. Therefore, I am of the view that this is not a fit case to invoke the extra ordinary jurisdiction vested with this court to grant anticipatory bail to the petitioner.

7. In the result, this petition stands dismissed.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open Court, this the 12th day of October, 2022).

Sd/-
SESSIONS JUDGE
ALAPPUZHA