

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

MONDAY, THE 18<sup>TH</sup> DAY OF JULY 2022 / 27TH ASHADHA, 1944

BAIL APPL. NO. 1604 OF 2022

Crime No.2369/2021 of Aryanad Police Station,  
Thiruvananthapuram District

**PETITIONER/ACCUSED:**

RAHUL.R.  
AGED 25 YEARS  
RAHUL BHAVAN, KAVUVILA, KULAPPADA.P.O.,  
NEDUMANGAD, PIN - 695543  
BY ADVS.  
A.RAJASIMHAN  
VYKHARI.K.U  
K.KAVYA MOHAN

**RESPONDENT/STAT:**

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

**OTHER PRESENT:**

SR.PP - SMT. SEETHA S.

THIS BAIL APPLICATION HAVING COME UP FOR  
ADMISSION ON 18.07.2022, THE COURT ON THE SAME  
DAY DELIVERED THE FOLLOWING:

**VIJU ABRAHAM, J.**

**B.A. No.1604 of 2022**

Dated this the 18<sup>th</sup> day of July, 2022

**ORDER**

This is an application for anticipatory bail.

2. The petitioner is accused No.1 in Crime No.2369/2021 of Aryanad Police Station, Thiruvananthapuram District, alleging commission of offence punishable under Section 447, 341, 323, 324, 506, 308 and 294(b) of Indian Penal Code.

3. The prosecution allegation is that, on 29.11.2021, at 10 pm, the accused committed trespass and assaulted and caused injuries on the defacto complainant who refused to bring petrol.

4 .The learned counsel for the petitioner submitted that the petitioner is absolutely innocent of the charges levelled against him and that the 3<sup>rd</sup> accused is already granted bail by this Court, as per annexure A2 order.

5. The learned Public Prosecutor upon instructions submitted that there are some disputes between the defacto complainant and the petitioner. The accused went to the house of defacto complainant and as instructed by the 1<sup>st</sup> accused, the 2<sup>nd</sup> accused has attacked the defacto complainant with a chopper and

caused serious injury to the defacto complainant on the backside of his head.

6. I have perused annexure A2 order whereby bail was granted to the 3<sup>rd</sup> accused only for the reason that the petitioner therein had absolutely no role in the alleged crime, except for being present at the scene, being a friend of the 1<sup>st</sup> accused. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am not inclined to grant bail to the petitioner and accordingly, the application for bail is disposed of with the following directions:-

The petitioner shall surrender before the investigating officer and co-operate with the investigation. It is made clear that if the petitioner moves an application for bail, the jurisdictional magistrate shall consider the application for bail submitted by the petitioner without much delay, if the same is moved after serving copy of the application to the learned Public Prosecutor in advance. I am issuing such a direction, taking note of the fact that the petitioner has no other criminal antecedents.

Sd/-  
**VIJU ABRAHAM**  
**JUDGE**

sm/