

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

WEDNESDAY, THE 23<sup>RD</sup> DAY OF MARCH 2022 / 2ND CHAITHRA, 1944

BAIL APPL. NO. 84 OF 2022

CRIME NO.2280/2021 OF NEMOM POLICE STATION, THIRUVANANTHAPURAM

CRMC 4066/2021 OF DISTRICT COURT & SESSIONS COURT, TRIVANDRUM

PETITIONER/1ST ACCUSED:

SHAJIMON V  
AGED 36 YEARS  
S/O. VINCENT, ATTARIKATHU VEEDU, MALAMELKUNNU, SATHYAM  
NAGAR, ESTATE P.O., PAPPANAMCODE, THIRUVANANTHAPURAM  
DISTRICT.

RESPONDENT/STATE & COMPLAINANT:

- 1 STATE OF KERALA  
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM-682031.
- 2 STATION HOUSE OFFICER,  
NEMOM POLICE STATION, THIRUVANANTHAPURAM DISTRICT-  
695020.

OTHER PRESENT:

SRI. T.,R. RANJITH (SR.PP)

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
23.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ORDER**

This is an application for anticipatory bail.

2. The petitioner is the 1<sup>st</sup> accused in CrimeNo.2280/2021 of Nemom Police Station, Thiruvananthapuram District alleging commission of offences under Sections 308, 323, 324, 341 & 509 r/w. Section 34 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that the petitioner attacked the *de facto* complainant with a helmet and caused injuries to him owing to the fact that the *de facto* complainant had questioned the act of the petitioner in making lewd comments against the daughter of the *de facto* complainant and the *de facto* complainant, while they were walking on a public road.

4. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in the matter and has been falsely implicated. It is submitted that the *de facto* complainant was the one who attacked the petitioner and the other accused. It is submitted that there is no allegation that any sort of weapon was used by the petitioner to attack the *de facto* complainant. It is submitted that there are no corresponding injuries commensurate to the allegations raised against the petitioner. It is submitted that, at any rate, the custodial interrogation of the petitioner is absolutely not necessary in the matter. It is submitted that the only non-bailable offence alleged is that under Section 308 of the Indian Penal Code,

which at any rate is not attracted.

5. The learned Public Prosecutor points out the circumstances of the case from the record. It is pointed out that when the *de facto* complainant was walking on the road with his minor daughter, aged 14 years, the petitioner along with other accused started passing lewd comments asking the *de facto* complainant as to where he was going with the girl etc. When the *de facto* complainant protested, he was attacked using a helmet. It is submitted that going by the contents of the First Information Statement, the offence has been committed.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am of the view that the petitioner is not entitled to anticipatory bail. However, if the petitioner surrenders before the investigating officer in Crime No.2280/2021 of Nemom Police Station on or before 30.3.2022, the petitioner shall be produced before the jurisdictional Magistrate on the same day. The learned Magistrate shall consider any application that may be filed by the petitioner without any undue delay, having regard to the merits of the matter.

SD/-

**GOPINATH P.  
JUDGE**

acd