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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE K.HARIPAL

WEDNESDAY, THE 30TH DAY OF JUNE 2021 / 9TH ASHADHA, 1943

BAIL APPL. NO. 4975 OF 2021

CRIME NO. 299/2021 OF MARAYUR POLICE STATION, IDUKKI

PETITIONER/ACCUSED:

SULAIMAN
AGED 24 YEARS
HOUSE NO. KGP-XI-490,
KOVILKADAVU BHAGOM,
SAHAYAGIRI KARA,
KANTHALLOOR,
IDUKKI, PIN - 685620

BY ADVS.
N.K.SHYJU
DEEPAK RAJ
C.P.ROOPA
ARCHANA MITHRAN O.K.

RESPONDENT:

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

BY SRI. SANTHOSH PETER, SENIOR PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.06.2021,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioner is the sole accused in Crime No. 299/2021 of Marayur Police Station, which was registered alleging offence punishable under Sections 341, 294(b), 324, 332 and 307 of the Indian Penal Code. The incident had happened on 01.06.2021 at 10.30.A.M., within Marayur Police Station limits. Petitioner was arrested on 01.06.2021; now he seeks his release on bail

2. Heard the learned counsel for the petitioner. According to him, the petitioner is entitled to get the benefit of Section 84 of the Indian Penal Code, that he is a person undergoing treatment for bipolar disease, that day he was allegedly found on the public place without wearing mask and for that reason, the police manhandled him; according to the learned counsel, the investigation of the crime is over, he is in judicial custody for the last 30 days and therefore, he may be released with stringent conditions.

3. The learned Public Prosecutor has strongly opposed the application for bail. According to him, the petitioner on

being questioned about his public appearance without wearing mask in violation of the covid protocol, he unleashed attack against the police party, attacked and injured a Civil Police Officer with a stone, causing him severe injuries on his head. He also caused injuries to another police official. It is also submitted that he has criminal antecedents, he is involved in a similar case in 2020, that is the subject matter of Crime No. 513/2020. He is also involved in a forest offence and therefore, he may not be released on bail, if released, that would be a threat to the peace and tranquility of the area.

4. After hearing learned counsel on both sides and having regard to the nature of the offence and character of the offender, I do not think that the petitioner can be released on bail at this stage. When questioned about his public appearance without following covid protocol, he was attacking policemen on duty. One police officer sustained very serious injuries in the incident. If released on bail, having regard to the antecedents, he is likely to repeat similar act. Therefore, the application is dismissed.

If he exhibits any symptom of mental disability, I am sure

that the Superintendent of the Jail will extend necessary medical assistance to him.

SD/-

K.HARIPAL

JUDGE

DCS/30.06.2021