

## Vikas.V Vs Kerala State Of Kerala

**Court:** High Court Of Kerala

**Date of Decision:** Jan. 20, 2025

**Acts Referred:** Bharatiya Nagarik Suraksha Samhita, 2023 " Section 482  
Bharatiya Nyaya Sanhita, " Section 3(2), 109(1), 115(2), 118(1), 296(b)

**Hon'ble Judges:** P.V.Kunhikrishnan, J

**Bench:** Single Bench

**Advocate:** Suneesh Kumar, R. B.Bipin, G. Sudheer

**Final Decision:** Allowed

### Judgement

P.V.Kunhikrishnan, J.

1. This Bail application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

2. The petitioner is the 3rd accused in Crime No.894/2024 of Kanakakunnu Police Station, Alappuzha. The above case is registered against the

petitioner and others alleging offences punishable under Sections 296(b), 115(2), 118(1), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The prosecution case is that, on 22.01.2024 at 09.00 PM, when the defacto complainant standing in front of his shop, the 1st accused Arun tried to

attack him with a bottle alleging that the defacto complainant brought persons to attack one Umesh. The second accused applied spray into the eyes

of the defacto complainant and caused cut injury on his left hand knee and left hand small finger with a sword. The 3rd accused given punch to the

head of Ajeendradas, the father of the defacto complainant who intervened to sort out the issue. Hence, it is alleged that the accused committed the

offence.

4. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor. The Public Prosecutor seriously opposed the bail

application.

5. After hearing the counsel for the petitioner in detail, I am of the considered opinion that, it is not a fit case in which the bail can be granted under

Section 482 of BNSS. At this stage the counsel for the petitioner submitted that, the petitioner is ready to surrender before the Investigating Officer.

The counsel also submitted that, there may be a direction to produce the petitioner after interrogation before the jurisdictional court and there may be a

direction to the jurisdictional court to consider the bail application on the date of production of the petitioner. I think, that prayer can be allowed.

Considering the submission of the counsel for the petitioner, this bail application is disposed of with the following directions.

1) The petitioner will surrender before the Investigating Officer within two weeks from today.

2) If the petitioner surrender before the Investigating Officer as directed above, the Investigating Officer is free to interrogate the petitioner and shall

produce the petitioner before the jurisdictional court on the date of surrender itself.

3) The petitioner, is free to file a bail application before the jurisdictional court at the time of producing him before the Magistrate. If such

a bail application is filed with advance copy to the prosecutor concerned, the jurisdictional court will consider that bail application in accordance with

law and pass appropriate orders in it preferably on the date of filing of the same itself.

4) The Investigating Officer is free to file custody application, if necessary, at the time of producing the petitioner and if such an application is filed, the

jurisdictional court is free to pass appropriate orders in it also.