

**Vinod Kumar Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Jul-29-2013

**Judge :** Honourable Mr.Justice S.S.Satheesachandran

**Appellant :** Vinod Kumar

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN MONDAY,THE 29TH DAY OF JULY 2013 7TH SRAVANA, 1935 Bail Appl..No. 4881 of 2013 (D) ----- [CRIME NO. 307/2013 OF ADHUR POLICE STATION , KASARAGOD DISTRICT] ..... PETITIONER/ACCUSED: ----- VINOD KUMAR, S/O.SHIVARAMA, AGED 3 YEARS, RESIDING AT PADYATHADKA, ADHUR VILLAGE, POST KUNTAR-671 543, KASARAGOD TALUK AND DISTRICT. BY SRI.M.RAMESH CHANDER, SENIOR ADVOCATE, ADV. SRI.ANEESH JOSEPH. RESPONDENT/STATE: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, KOCHI-682 031. BY PUBLIC PROSECUTOR SMT. LALIZA. T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. S.S.SATHEESACHANDRAN, J.

ORDER Petitioner is one among the accused (A7) in Crime No.307 of 2013 of Adhur Police Station, registered for offences punishable under Sections 143, 147, 148, 341, 324 and 153(A) r/w Section 149 of Indian Penal Code. Crime is now under investigation, and, petitioner has filed the above application seeking anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. Alleging that a motor vehicle used in the commission of offences involved in the crime belonged to petitioner, after its seizure, he has been implicated as one among the accused in the crime, is the submission of counsel. Petitioner is innocent, and on false and baseless allegations he has been proceeded as accused and, in fact, there is also a counter case registered B.A No.4881/2013 2 for grave penal offences against de facto complainant with respect to the incident involved in the present crime, is the further submission of counsel to urge for granting him pre-arrest bail. Opposing the application learned Public Prosecutor submitted that the materials gathered by investigating agency disclose complicity of petitioner in the offences involved, which include criminal acts done to incite communal violence and, as such, this is not a fit case where petitioner can be extended pre-arrest bail.

3. Case diary has been produced for my perusal. After looking into the submissions made by counsel on both sides and taking note of the materials so far gathered by investigating agency, I find much force in the submission made by Public Prosecutor that petitioner is not entitled to the discretionary relief canvassed of. Petitioner has to surrender and co-operate with investigation of the crime. Materials gathered by investigating agency give enough room to suspect B.A No.4881/2013 3 complicity of petitioner in the offences. At this stage, learned counsel for petitioner requested for an opportunity to surrender before the Investigating Officer, fixing date and time to do so by an order of this court. Considering the request while declining pre-arrest bail the following directions are issued. In case petitioner appear before the Investigating Officer at 10:00 a.m on 03.08.2013, after his interrogation, in the event of his arrest in the crime, he shall be produced before the Magistrate without delay. On such production, application

for bail, if any, moved by petitioner with advance notice to the Assistant Public Prosecutor also, shall be considered by Magistrate, expeditiously, and disposed on its merits, in accordance with law. Petition is disposed of. vdv  
S.S.SATHEESACHANDRAN, JUDGE

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