

Suresh Vs. State of Kerala

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Court : Kerala

Decided On : Oct-01-2014

Judge : Honourable Mr. Justice a.Hariprasad

Appellant : Suresh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE A.HARIPRASAD WEDNESDAY, THE 1ST DAY OF OCTOBER 2014 9TH ASWINA, 1936 Bail Appl..No. 6079 of 2014 ()
----- CRIME NO. 51/2007 OF PETTAH POLICE STATION , THIRUVANANTHAPURAM DISTRICT ----- APPLICANT/ACCUSED NO.5:-
----- SURESH, AGED 37 YEARS, S/O.SREENIVASAN, THEKKEVILAKATTHU VEEDU, STATION KADAVU, KULATHOOR, ATTIPRA VILLAGE, THIRUVANANTHAPURAM. BY ADV. SRI.THOMAS J.ANAKKALLUNKAL RESPONDENT/COMPLAINANT:-
----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY SR PUBLIC PROSECUTOR SRI.C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0110-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts A. HARIPRASAD, J.

ORDER

Application for bail under Sec.439 of Cr.P.C.

2. Petitioner is the 5th accused in S.C. No.664 of 2013 registered for offences punishable Secs.120B, 143, 147, 148, 303, 324, 307 and 302 read with Sec.149 of IPC, Secs.3 and 5 of the Explosive Substances Act and Sec.27 of Arms Act.

3. Prosecution case is that the petitioner is a member in a goonda gang, involved in more than two dozen cases. He was released on bail earlier and then absconded. He was nabbed in connection with another case involving an offence under Sec.302 IPC.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. This Court considered his bail plea as per order in B.A. No.7683 of 2013 dated 19.11.2013. Finding that the petitioner is not entitled to get bail, this Court issued certain directions for speedy trial of the case. Bail Appl. No.6079 of 2014 2 Later on, he moved this court again with B.A. No.3153 of 2014 which was dismissed on 23.05.2014.

6. Learned counsel for the petitioner submitted that the Court of the 1st Additional Sessions Judge, Thiruvananthapuram is crowded with other matters and the Court will not be able to take up the case for trial in the near future. Therefore, the learned counsel requested that the Principal Sessions Judge, Thiruvananthapuram be directed to make over the case to any other Additional Sessions Court for a speedy trial.

7. It is also brought to the notice of this Court that another accused has filed a revision before this court under Sec.401 of Cr.P.C. which is pending consideration. The order of stay will not affect the trial of this case, according to the counsel for the petitioner.

8. Considering the nature of allegations against the petitioner and gravity of offences involved , I am of the view that the petitioner is not entitled to get bail pending trial of this case. Therefore, following directions are issued. Bail Appl. No.6079 of 2014 3 In case the Principal Sessions Judge, Thiruvananthapuram feels that no speedy trial is possible in the 1st Additional Sessions Court, Thiruvananthapuram, he shall withdraw this case from the Court of the 1st Additional Sessions Judge, Thiruvananthapuram and transfer the case to any other Additional Sessions Court where the trial can be taken up and completed within a period of six months. Application is disposed of as above. A. HARIPRASAD JUDGE NS

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