

Muneef Vs. State of Kerala

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Court : Kerala

Decided On : Oct-08-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Muneef

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN WEDNESDAY, THE 8TH DAY OF OCTOBER 2014 16TH ASWINA, 1936 Bail Appl..No. 6880 of 2014 ----- CRIME NO. 1444/2014 OF CHAVAKKAD POLICE STATION , TRISSUR ----- PETITIONER/5TH ACCUSED: ----- MUNEEF, AGED 20 YEARS, S/O.MUHAMMED UNNY, MANDALAM KUNNATH VEEDU, P O MADU, THOTTAPPUR, CHAVAKKAD TALUK, THRISSUR DISTRICT. BY ADV. SRI.RAJIT RESPONDENT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-10-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ K. RAMAKRISHNAN, J.

----- Bail Application No.6880 of
2014 ----- Dated this the 8th day of
October, 2014

ORDER

This is an application filed by the petitioner/5th accused in Crime No.1444/2014 of Chavakkad police station, for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. The case of the prosecution in nut shell was that, the accused persons in furtherance of their common object of committing murder of the defacto-complainant, formed themselves into an unlawful assembly, inflicted grave injuries on the defacto-complainant with an intention to commit murder and thereby all of them have committed the offences punishable under Section 143, 147, 148, 341, 323, 324, 326, 427 and 307 read with Section 149 of the Indian Penal Code.

3. The counsel for the petitioner submitted that, B.A. No.6880 of 2014 2 the petitioner has not committed any offence and he is innocent of the same. So he prayed for allowing the application.

4. The application was opposed by the Public Prosecutor on the ground that, grave offences have been committed and the presence of the petitioner is required for proper investigation.

5. Heard both sides and perused the case diary files.

6. It is seen from the case diary files that, the above crime was registered on the basis of the statement given by the defacto-complainant/injured against seven named accused persons, including the petitioner, alleging commission of the above said offences. The wound certificate shows that the injured sustained grave injuries. Further, though the incident happened on 13.07.2014, the petitioner neither surrendered before the court nor before B.A. No.6880 of 2014 3 the investigating officer so far. Some of the accused persons are yet to be arrested as well. The anticipatory bail application filed by the petitioner before the Sessions Court was dismissed and in spite of that he did not surrender. So considering the

gravity of the offence, this court feels that, it is not a fit case to invoke the power under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioner. The petitioner can very well surrender before the investigating officer and if he surrendered before the investigating officer, the investigating officer after interrogation, if want to arrest him, after recording his arrest and produce him before the concerned magistrate court and on such production, if the petitioner files any bail application before that court, then the concerned magistrate court is directed to B.A. No.6880 of 2014 4 consider and dispose of the bail application strictly in accordance with law. With the above direction and observation, the bail application is dismissed. Sd/- K. Ramakrishnan, Judge // True Copy // P.A. to Judge ss

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