

Shinoj Vs. State of Kerala

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Court : Kerala

Decided On : Oct-14-2014

Judge : Honourable Mr. Justice Alexander Thomas

Appellant : Shinoj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN TUESDAY, THE 14TH DAY OF OCTOBER 2014 22ND ASWINA, 1936 Bail Appl.No. 7083 of 2014 ----- CRIME NO. 771/2013 OF THRISSUR TOWN WEST POLICE STATION PETITIONER(S)/ACCUSED NOS. 3 AND 4 ----- 1. SHINOJ, AGED 26 YEARS, S/O. JOSHI, MANGATTU HOUSE, EDAKAZHIYOOR, CHAVAKKADU, THRISSUR DISTRICT.

2. PRAVEEN, AGED 28 YEARS, S/O. PARAMESWARAN, VADAKKEKUNNATH HOUSE, AYYANTHOLE, THRISSUR. BY ADVS. SRI.P.K.SAJEEV SRI.P.P.HARRIS RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14-10-2014, THE COURT ON THE SAME DAY PASSED

THE FOLLOWING: msv/ K. Ramakrishnan, J.

===== B.A.No.7083 of 2014
===== Dated this, the 14th day of October, 2014

ORDER

This is an application filed by the accused Nos. 3 and 4 in Crime No.771/2013 of Thrissur Town West Police Station for regular bail under Section 439 of Code of Criminal Procedure (hereinafter called 'the code').

2. The petitioners were charge sheeted by the Town West Police Station, Thrissur in Crime No.771/13 alleging offences under Sections 302, 109, 120(b), 212 and 201 read with Section 34 of Indian Penal Code and Section 27 of Arms Act. The grievance of the petitioners was that they are in jail from 01.06.2013 onwards. But, in spite of the directions given, the trial of the case has not been started so far and they apprehend that the trial will not be completed even if a time schedule is given by this court. So, they prayed for allowing the application.

3. The application was opposed by the Public Prosecutor on the ground that if they are granted bail at this stage, they are likely to abscond and their presence could not be procured for trial. B.A.No.7083 of 2014 :

2. :

4. I have gone through the earlier orders passed by this court. Having declined to grant bail to the petitioners in spite of efforts made by them several times, this court feels that it is not proper at this stage to grant bail to the petitioners considering the gravity of the offence and their involvement in the commission of the crime. Now, the case is pending before Additional Sessions Court, No-IV, Thrissur as S.C.No.185/2014 and this has been scheduled for trial to 05.02.2014 onwards. The learned Sessions Judge also sent a report stating that considering the pendency of old cases before that court, there is no possibility of re scheduling the case prior to 05.02.2014 as it will affect the schedule of other cases which includes under trial prisoners' cases as well. But, the Sessions Judge has assured that the trial can be proceeded from 05.02.2015 onwards. So, considering the

circumstances, this court feels that petitioners are not entitled to get bail and as apprehended by the prosecutor, if bail is granted, they are likely to abscond and their presence could not be procured for trial and that will delay the disposal of the case. So, considering the circumstances of the case, this court feels that application can be disposed of by directing the Additional Sessions Judge, No-B.A.No.7083 of 2014 :

3. : IV, Thrissur to expedite the trial of the case as expeditiously as possible at any rate within six months from 05.02.2015 when the case is now scheduled for trial without giving any adjournment on that day. With the above direction and observation, the application is dismissed. Office is directed to communicate this order to the concerned court immediately for strict compliance of the order. Sd/- K.Ramakrishnan, Judge. Bb [True copy] P.A to Judge

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