

Rajeev Vs. State of Kerala

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Court : Kerala

Decided On : Oct-10-2014

Judge : Honourable Mr. Justice a.Muhammed Mustaque

Appellant : Rajeev

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 10TH DAY OF OCTOBER 2014 18TH ASWINA, 1936 Bail Appl..No. 6899 of 2014 ----- CRIME NO. 789/2014 OF BALARAMAPURAM POLICE STATION , THIRUVANANDAPURAM. PETITIONER/9TH ACCUSED: ----- RAJEEV, AGED 29 S/O.RAJENDRAN, KUZHIVILAPUTHEN VEEDU, KOTTUKAL KONAM, KATTACHALKUZHI P.O., THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI.R.GOPAN RESPONDENT(S)/COMPLAINANTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 071.

2. THE SUB INSPECTOR OF POLICE, BALARAMAPURAM POLICE STATION, THIRUVANANTHAPURAM DISTRICT - 695 001. BY PUBLIC PROSECUTOR SMT.T.Y.LALISA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10-10-2014, THE COURT ON THE SAME DAY PASSED THE

FOLLOWING: K. RAMAKRISHNAN, J.

..... B.A.No.6899 of 2014
..... Dated this the 10th day of October, 2014.

ORDER

This is an application filed by the 9th accused in Crime No.789/2014 of Balaramapuram police station for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 15.7.2014 at about 10.35 a.m on account of the enmity for not providing admission to the students suggested by the 1st accused, accused persons formed themselves into an unlawful assembly and wrongfully restrained the defacto complainant and threatened him and took away Rs.48,000/- and thereby all of them have committed the offences punishable under Sections 143, 147, 149, 365, 294(b), 341, 323, 506(1) and 379 of the Indian Penal Code.

3. The counsel for the petitioner submitted that the petitioner has not committed any offence and he is innocent of the same and he has been falsely implicated in the case. Further anticipating false implication, he had filed a petition before the District Police Chief on 7.6.2014 and also other complaints. B.A.No.6899 of 2014 2 Further, he was making complaint against the defacto complainant, who has not properly conducting the management of the school and on account of that enmity, he has been falsely implicated in the case and other accused persons were arrested and they were released on bail.

4. The application was opposed by the Public Prosecutor on the ground that it was the present petitioner, who had took away the amount and that has to be recovered.

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

6. It is seen from the case diary file that the above crime was registered on the basis of the statement given by the defacto complainant against 11 named

persons including the present petitioner and other 4 identifiable persons alleging commission of the above said offences. It is also seen from the records that accused 1 to 8 were already arrested and the present petitioner and others are to be arrested and the amount has not been recovered. It is true that the petitioner has produced certain documents which were anti dated to the present incident, but that alone is not sufficient to come to the conclusion at this stage about the possibility of false implication as claimed by him. On going through the allegations B.A.No.6899 of 2014 3 in the First Information Statement and also the fact that presence of the petitioner is required for proper investigation, this Court feels that it is not a fit case to grant anticipatory bail to the petitioner invoking the extraordinary power under Section 438 of the Code and the application is liable to be dismissed. In the result, the application is dismissed. If the petitioner surrenders before the investigating officer, then the investigating officer after interrogation feels that his arrest is required, after recording his arrest, produce him before the concerned Magistrate without delay and on such production, if the petitioner moves for regular bail, then he learned Magistrate is directed to consider and dispose of the bail application strictly in accordance with law. Sd/- K. RAMAKRISHNAN, JUDGE. cl /true copy/ P.S to Judge B.A.No.6899 of 2014 4

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