

Praveen vs State of Kerala

Praveen vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1319586

Court : Kerala

Decided On : Jan-03-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./11323/2023

Appellant : Praveen

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS WEDNESDAY,
THE 3RD DAY OF JANUARY 2024 / 13TH POUSHA, 1945 CRIME
NO.3549/2023 OF Ernakulam Central Police Station, Ernakulam
AGAINST THE ORDER/JUDGMENT CR 3549/2023 OF CHIEF
JUDICIAL MAGISTRATE, ERNAKULAM PETITIONER/S: PRAVEEN
AGED 23 YEARS S/O. PRAKASAN, PUNNATHARADI,
KAMMATTIPADAM, ERNAKULAM, PIN - 682005 BY ADVS.
M.G.SREEJITH BINCY JOSE ROJIN DEVASSY VIDYAJITH M. ANIL
KUMAR P.T. RESPONDENT/S: 1 STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2
THE STATION HOUSE OFFICER ERNAKULAM CENTRAL POLICE

STATION, ERNAKULAM, PIN - OTHER PRESENT: SR PP SMT
NEEMA T V THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 03.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: C.S.DIAS,J
===== B.A No.11323 of 2023
===== Dated this the 3rd day of January, 2024

ORDER

The application is filed for bail under Section 439 of the Code of Criminal Procedure. The petitioner is the 3rd accused in Crime No.3549/2023 of the Central Police Station, Ernakulam registered against him for the offence under Section 394 of the Indian Penal Code. The petitioner was arrested on 12.11.2023.

2. The prosecution allegation is that: the petitioner along with two other accused had with the common intention attempted to commit theft. The

petitioner searched the pocket of the defacto complainant, who was sleeping in the KSRTC bus stand. While so, the 2nd accused took the bag of the defacto complainant and ran away. The 1st accused fisted the defacto complainant on his face. Thus, the accused have committed the above offence.

3. Heard; Sri.M.G.Sreejith, the learned counsel appearing for the petitioner and Smt.Neema T.V., the learned Public Prosecutor appearing for the respondents.

4. The learned Counsel for the petitioner submitted

that the petitioner was arrested as early as on 12.11.2023. The investigation in the case is almost complete. The petitioner is absolutely innocent of the accusation leveled against him. Hence, he may be released on bail.

5. The learned Public Prosecutor, on instructions, submitted that the petitioner is involved in two other similar cases. The investigation is only at the nascent stage. Hence, the application may be dismissed. On a consideration of the materials on record, particularly the fact that the petitioner has criminal antecedents, that too in cases of similar nature, I am not

inclined to exercise the powers of this Court under Section 439 of the Code and enlarge the petitioner on bail because the petitioner may repeat the commission of similar offences and also flee from justice.

Resultantly, the bail application is dismissed. Sd/- C.S.DIAS JUDGE rkc/03.01.24
APPENDIX OF BAIL APPL. 11323/2023 PETITIONER ANNEXURES Annexure 1
TRUE COPY OF FIR IN CRIME NO.3549/2023 OF ERNAKULAM CENTRAL
POLICE STATION, ERNAKULAM CITY Annexure 2 TRUE COPY OF ORDER
DATED 06-12-2023 IN C.M.P.NO.14109/2023 IN THE FILES OF CHIEF
JUDICIAL MAGISTRATE COURT , ERNAKULAM

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com