

Sermaraj vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-29-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./5581/2024

Appellant : Sermaraj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS MONDAY, THE 29TH DAY OF JULY 2024 / 7TH SRAVANA, 1946 BAIL APPL. NO. 5581 OF 2024 CRIME NO.0/0 OF PATHANAPURAM FOREST RANGE OFFICE, KOLLAM PETITIONERS/ACCUSED 1 & 2: 1 SERMARAJ AGED 26 YEARS S/O MUNIYASAMY, 25 A, MUPPIDATHI AMMAN KOVIL STREET, RAJAJIPURAM, KANDIYAPERI, TIRUNELVELI, TAMIL NADU, PIN - 627006 2 SIVARAJAN AGED 28 YEARS S/O MUNIYASAMY, A/5, RAJAJIPURAM, MANTHIRAMOORTHY MIDDLE STREET, TIRUNELVELI, TAMIL NADU, PIN - 627006 BY ADVS. BOBY THOMAS WINSTON K.V RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 2 THE FOREST RANGE OFFICER PATHANAPURAM FOREST RANGE

OFFICE, KOLLAM DISTRICT, PIN - 689695 OTHER PRESENT: SR PP SMT SEETHA S THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -
:2:- Dated this the 29th day of July,2024

ORDER

The application is filed under Section 438 of the Code of Criminal Procedure, 1973, for an order of pre-arrest bail.

2. The petitioners apprehend arrest in an unknown crime by the Pathanapuram Forest Range Office, Kollam for allegedly committing a non-bailable offence.

3. Heard; Sri. Bobby Thomas, the learned counsel appearing for the petitioners and Smt. Seetha S., the learned Senior Public Prosecutor.

4. The learned Public Prosecutor, on instructions

submitted that the petitioners are the accused 1 and 2 in Crime No.3/2024 of the Ambanad Forest Station, Pathanapuram Range, Kollam for allegedly committing the offences under the Forest Act. The said submission -:3:- is recorded.

5. On a reading of the bail application, it can be

seen that none of the details or materials pertaining to the incident, crime number, the offences or the rank of the accused have been stated. The bail application is vague and lacks the requisite details, particularly the offences levelled against the petitioner. It is well- settled in Gurbaksh Singh Sibbia v. State of Punjab [(1980) 2 SCC 565] as well as Kusha Duruka v. State of Odisha [2024 (1) KHC 389] that a bail application should contain the elementary details pertaining to the accusations levelled against the accused. Therefore, I am of the view that the present application is unsustainable in law and the petitioners would be at liberty to file a fresh application after incorporating all the requisite details.

In the result, the bail application is dismissed, without prejudice to the right of the petitioners to file a -:4:- fresh bail application, if so advised, after incorporating their

rank, crime number, the offences and all the accusations levelled against them.

SD/- C.S.DIAS,JUDGE rmm/29/7/2024

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