

Vasantha vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-21-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./694/2023

Appellant : Vasantha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 21ST DAY OF FEBRUARY 2023 / 2ND PHALGUNA,
1944 CMP 6/2023 OF JUDICIAL MAGISTRATE OF FIRST CLASS -II,
KASARAGOD CRIME NO.963 OF 2022 OF BADIADUKKA POLICE
STATION, KASARAGOD PETITIONER/1ST ACCUSED: VASANTHA,
AGED 31 YEARS S/O. NARAYANA NAIK HOSSAGADDEMOOLE
HOUSE SHENI VILLAGE AND PO, MANJESWARAM TALUK,
KASARAGOD DISTRICT, PIN - 671552 BY ADVS. I.V.PRAMOD SAIRA
SOURAJ P.

RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 OTHER PRESENT: SR PP SRI P G MANU THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21.02.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A. BADHARUDEEN, J.

----- B.A.No.694 of 2023
----- Dated this the 21st day of
February, 2023

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure by the petitioner who is the first accused in Crime No.963 of 2022 of Badiadukka Police Station, Kasargod, where the prosecution alleges commission of offences punishable under Sections 341, 324, 294(b), 506(ii), 427 and 308 r/w 34 of IPC.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.
3. I have gone through the relevant materials which form part of the Case Diary, placed by the learned Public Prosecutor.
4. The case diary materials placed by the learned

Public Prosecutor unfurls the prosecution case to the effect that at about 19.30 hours on 26/12/2022, accused Nos.1 to 3 reached the place of occurrence and wrongfully restrained the defacto complainant when he was about to start a journey on his scooter bearing Registration No.KL 14 N 1304. The specific allegation is that, the 1 st accused attempted to cause stab injury to one Roopesh, the friend of the defacto complainant by using a sword and when Roopesh evaded the same, it fell on the seat of the scooter. The further allegation is that the 1 st accused attempted to cause cut injury on the neck of the defacto complainant and when the defacto complainant restrained the same by using his left hand, the

same caused injury on his left hand. That apart, the allegation is that, again the 1st accused attempted to cause cut injury on the head of the defacto complainant but the defacto complainant and his friend survived, though the accused herein assaulted the defacto complainant and his friend with an intention to commit culpable homicide not amounting to murder.

5. Highlighting the progress of investigation as

well as filing of the final report, the learned counsel for the petitioner pressed for grant of regular bail. He also submitted that the petitioner has been in custody from 28/12/2022.

6. The learned Public Prosecutor produced a report showing involvement of this petitioner in multiple crimes

and pointed out his stature as that of a habitual offender. The learned Public Prosecutor highlighted that final report has already been filed in this matter. The following are the crimes where the involvement of the petitioner have been pointed out. I) Badiadukka Police Station

1. Crime.468/22 u/s 143, 147, 148, 341, 323, 324 r/w 149 IPC.

2. Crime.286/15 u/s 143, 147, 188, 283, 294(b) r/w 149 IPC.

3. Crime.273/22 u/s 143, 147, 148, 452, 324, 506(ii), 294(b) r/w 149 IPC.

4. Crime.561/14 u/s 379 IPC & Sec.20 of KPRB & RRS Act.

5. Crime.180/11 u/s. 143, 147, 148, 341, 323, 324, 294(b) r/w 149 IPC. II. Kumbalam Police Station

1. Crime.304/16 u/s 341, 506(ii) r/w 34 IPC.

2. Crime.185/22 u/s 143, 147, 148, 341, 324, 326, 308, 427 r/w 149 IPC.

7. The prosecution allegation as to the commission of the offence by the accused in this case is well made

prima facie. It is relevant to note that defacto complainant and his friend sustained multiple injuries, though they survived. The antecedents of the petitioner would go to show that he had involved in crime starting from 2011 onwards and this is the third crime committed during 2022 and this is the 8 th crime. His antecedents show his involvement in heinous crimes including offences

under Sections 304, 379, 283 and 308 among other offences. Therefore, the petitioner who has criminal antecedents, will be released on bail, he would involve in similar crimes and he will be a threat to the Society. Therefore, his application cannot be considered at this stage. Accordingly, this bail application stands dismissed. Sd/- A. BADHARUDEEN, JUDGE AS APPENDIX OF BAIL APPL. 694/2023 PETITIONER'S ANNEXURES: ANNEXURE1 A CERTIFIED COPY OF THE ORDER IN CMP NO. 05.01.2023

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