

Rejith vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./1302/2023

Appellant : Rejith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
TUESDAY, THE 28TH DAY OF FEBRUARY 2023 / 9TH PHALGUNA,
BAIL APPL. NO. 1302 OF 2023 CRIME NO.13/2023 OF PAMBA
POLICE STATION, PATHANAMTHITTA PETITIONER/ACCUSED : 1
REJITH AGED 39 YEARS, S/O.RAJU, POOVATHOLIL HOUSE,
ATTATHODU KIZHAKKEKKARA COLONY, RANNI-PERUNADUNAD
VILLAGE, PATHANAMTHITTA DISTRICT, PIN - 689662 2 SATHEESH
AGED 39 YEARS S/O SASIDHARAN, MUTTAMANNIL HOUSE,
ATTATHODU KIZHAKKEKKARA COLONY, RANNI-PERUNAD
VILLAGE, PATHANAMTHITTA DISTRICT, PIN - 689662 BY ADVS.
SREEDEVI S. V.G.SURESH ANANDHU SATHEESH JOHN JOSEPH

RESPONDENT/COMPLAINANT : STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 BY SRI.P.G.MANU, SR.PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 21.02.2023, THE COURT ON 28.02.2023 DELIVERED THE FOLLOWING: ..2..

A.BADHARUDEEN, J.

----- Dated this the 28th day of
February, 2023

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure, by the petitioners who are accused Nos.1 and 2 in Crime No.13 of 2023 of Pampa Police Station, Pathanamthitta.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor.
3. I have perused the relevant materials forming part of the case diary produced by the learned Public Prosecutor. ..3..
4. The prosecution allegation is that, at 7.45 p.m. on 04.02.2023, the accused herein, who reached in a Xylo Car, abused and obstructed the duty of Beat Forest Officer and his associates at Elavunkal Check Post, when the Forest Officials demanded checking of Xylo Car on doubt. On this premise, the prosecution alleges commission of offences punishable under Sections 294(b) and 353 r/w 34 of the Indian Penal Code.
5. The learned counsel for the petitioners would submit that the petitioners are innocent and the allegations are false. According to the learned counsel,

since the petitioners have been in custody from 05.02.2023 and they are first time offenders, they are liable to be released on bail, taking note of the progress of investigation.

6. Whereas the learned Public Prosecutor ..4..

zealously opposed premature release of the petitioners on bail, on the submission that, when the Beat Forest Officer as part of his official duty demanded checking of Xylo Car where, the petitioners were travelled, they have abused and obstructed the duty of the officials and therefore, the prosecution allegation is well made out

prima facie. It is submitted by the learned Public Prosecutor that since the investigation of this case involving a serious crime is at the primitive stage, the petitioners cannot be released on bail, since the same would hamper the investigation.

7. On perusal of the available materials, the

prosecution allegation as to commission of offences herein above referred is well made out prima facie and the attitude of the petitioners in obstructing the official duty of Forest Officials by refusing checking of car as ..5..

part of official duty is a very serious matter and the same surmounts dubious circumstances. However, no antecedents reported insofar as the petitioners are concerned and the available materials would go to show that the investigation has achieved substantial progress. Therefore, I am inclined to release them on bail on conditions.

In the result, this petition stands allowed and they are released on bail on the following conditions: i. The petitioners shall be released on bail on their executing bond for Rs.50,000/- (Rupees Fifty Thousand Only) each with two solvent sureties, each for the like amount to the satisfaction of the Jurisdictional court concerned.

ii. The petitioners shall not intimidate the witnesses or tamper with evidence. They shall co-operate ..6.. with the investigation and shall be available for trial. iii. The petitioners shall appear before the Investigating Officer as and when directed, till

completion of investigation. iv. The petitioners shall not, directly or

indirectly, make any inducement, threat or promise to any person acquainted with the facts of this case, so as to dissuade them from disclosing such facts to the court or to any police officer. v. The petitioners shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this court, the same shall be a reason to cancel the bail hereby granted.

Sd/- A.BADHARUDEEN, JUDGE rkj ..7.. APPENDIX OF BAIL APPL. 1302/2023
PETITIONER ANNEXURES ANNEXURE A1 A TRUE COPY OF THE FIR IN
CRIME NO. PATHANAMTHITTA ANNEXURE A2 A TRUE COPY OF THE
ORDER DATED FIRST CLASS MAGISTRATE COURT, RANNI IN CRL. M.P. NO.
18/2023

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