

Amal Mathew vs State of Kerala

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Court : Kerala Orders

Decided On : Apr-05-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./2465/2023

Appellant : Amal Mathew

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
WEDNESDAY, THE 5TH DAY OF APRIL 2023 / 15TH CHAITHRA, 1945
BAIL APPL. NO. 2465 OF 2023 CRIME NO.906/2022 OF KUMILY
POLICE STATION, IDUKKI (C.P.NO.11/2023 OF JUDICIAL FIRST
CLASS MAGISTRATE COURT-II, PEERUMEDU, IDUKKI)
PETITIONER/ACCUSED: AMAL MATHEW AGED 32 YEARS,
S/O.MATHEW, SHOWRYAMKUZHIYIL HOUSE, PUNNAYAR,
MALABAR THANDU BHAGAM, KEERITHODU P.O., KANJIKUZHAY,
IDUKKI DISTRICT, PIN - 685602 BY ADVS. RAJU SEBASTIAN
VADAKKEKKARA S.KRISHNA KUMAR (MANGALAM) SABAD K.H.
SANTHOSH BHASKARAN NAIR BERTRAND BASIL RIFSA REBAIE

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR P G MANU - SR PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 5th day of April, 2023 This is a petition filed under Section 439 of the Code of Criminal Procedure, seeking bail and the petitioner is the sole accused in crime No.906/2022 of Kumily Police Station, Idukki.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor. Perused the relevant materials form part of the case diary, placed by the learned Public Prosecutor.

3. The prosecution case is that, at about 02.15 hours on

02.12.2022, the accused herein assaulted the defacto complainant and caused stab injuries, while attempting to commit murder of the defacto complainant. It is on this premise, the prosecution alleges commission of offences punishable under Sections 294(b), 324 and 307 of IPC.

4. The learned counsel for the petitioner would submit

that, the petitioner is innocent and the allegations are false. He also would submit that, though the petitioner is having criminal antecedents the same are mere petty offences. Therefore, the petitioner may be released on regular bail.

5. The learned Public Prosecutor opposed grant of bail

and submitted that there are 14 crimes prior to this occurrence, where the involvement of the petitioner is reported. It is submitted further that, in this matter the investigation was completed and Final Report also was filed.

6. Going through the pages of the case diary, the

prosecution allegations are well made out, prima facie. It is discernible from the prosecution records that, as a result of overt acts at the instance of the petitioner, the defacto complainant sustained serious injuries, though he survived.

7. Coming to the stature of the petitioner, he has involvement in the following crimes:

1. Kanjikkuzhy P S Cr 820/2021 U/s 118(a) of KP Act, 4(2)

(j) of Kerala Epidemic Diseases Act, 2021

2. Kanjikkuzhy P S Cr 853/2021 U/s 294(b),427,506(i) IPC

3. Kanjikkuzhy P S Cr 894/2015 U/s 294(b),323,427 IPC

4. Kanjikkuzhy P S Cr 125/2016 U/s 294(b), 506(i),323 IPC

5. Kanjikkuzhy P S Cr. 02/2015 U/s 323,294(b),427 IPC

6. Cherthala P S Cr. 2474/2019 U/s 279 IPC, 185 of MV Act

7. Cherthala P S Cr. 2549/2020 U/s 452,341,324,307 IPC

8. Eranakulam Traffic West P S Cr. 3205/2017 U/s 279 IPC

9. Peroorkada P S Cr. 1611/2018 U/s 279 IPC, 185 of MV Act

10. Kottayam West P S Cr. 951/2022 U/s 27(b) of NDPS Act

11. Mararikulam P S Cr. 12/2020 U/s 278,269 IPC, 109, 120(e) of KP Act

12. Cr 923/2020 U/s 269,270 IPC,277 of KP Act & 120(e) of Irrigation Act

13. Kumily PS Cr. 505/2022 U/s 354, 354A(1)(ii), 354A(i) (iv), 294(b), 323,324,341,34 IPC & 3(1) r/w (i)(ii), 3(2)

(va) of SC/ST POA Act

14. Kumily PS Cr. 906/2022 U/s 294(b),324,307 IPC

8. Though it is submitted by the learned counsel for the

petitioner that, the antecedents pertaining to the petitioner are petty offences, the list of cases referred herein above would go to show that very serious offences are alleged to be committed by the petitioner including one under Section 307 and 354 of IPC as well as offences under Sections 3(1) r/w (i)(ii), 3(2)(va) of SC/ST (Prevention Of Atrocities) Act. This is the 3rd crime the petitioner got involved, alleging commission of offence punishable under Section 307 of IPC. It is shocking to note that, he had involvement in two crimes during the year 2022 itself and the same are under the relevant Sections of SC/ST (POA) Act and under Section 307 of IPC. Having noticed the criminal antecedents of the petitioner in the above line, I am not inclined to release the petitioner on bail. Accordingly, this bail application stands dismissed. Sd/- A. BADHARUDEEN SK JUDGE

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