

Selvan vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-04-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./4782/2023

Appellant : Selvan

Respondent : State of Kerala

Judgement :

B.A.No.4782/23 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 4TH DAY OF JULY 2023 / 13TH ASHADHA, 1945 BAIL
APPL. NO. 4782 OF 2023 CRIME NO.460/2022 OF Vithura Police
Station, Thiruvananthapuram PETITIONER/1ST ACCUSED: SELVAN,
AGED 42 YEARS, S/O.CHELLAPAN RESIDING AT ATTARIKATHU
VEEDU NANDU THAVAYAKKAL VITHURA VILLAGE,
THIRUVANTHAPURAM, PIN - 691 574. BY ADV.NAVEEN
RADHAKRISHNAN RESPONDENT/STATE: STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM-682 031. Smt.SREEJA V., PUBLIC

PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.4782/23 2

ORDER

This is an application filed u/s 439 of the Code of Criminal Procedure seeking regular bail.

2. The petitioner is the accused in Crime No.460 of 2022 of Vithura Police Station, which was registered for the offences punishable under Sections 294(b), 323, 324, 326, 452, 506(ii) and 307 r/w 34 IPC.

3. The prosecution case is that on 16.05.2022 at about 11

PM, the petitioner, along with the 2nd accused, due to previous animosity, trespassed into the house of the de facto complainant, uttered obscene words, forcefully pushed him and assaulted him with an iron rod, thereby causing serious injuries. The crime was registered in such circumstances, and as part of the investigation, the petitioner was arrested on 18.05.2022. Since then, he has

been under judicial detention. This regular bail application is submitted in such circumstances.

4. Heard Sri.Naveen Radhakrishnan, learned counsel for the petitioner and Smt.Sreeja V., learned Public Prosecutor for the State.

5. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations. It is further pointed B.A.No.4782/23 3 out that the petitioner has been in custody since 18.05.2022 and the matter is currently pending as S.C.No.2696 of 2022 before the Honble Assistant Sessions Judge, Nedumangad. In such circumstances, no fruitful purpose would be served by keeping the petitioner under detention.

6. The learned Public Prosecutor opposes the said application by pointing out that there are specific allegations

against the petitioner, and there are ample materials to substantiate the same. In addition to the same, the petitioner is a habitual offender and he is involved in eight other cases. Details of the same are as follows:

1) Crime No.161/2004 under Sections 326 IPC, 2) Crime No.262/2005 under Section 307 and 34 IPC, 3) Crime No.461/2010 under Section 498(A), 306 IPC, 4) Crime No.219/2014 under Sections 294(b), 323, 307 IPC, 5) Crime No.442/2017 under Section 294(b), 341, 324 & 308 IPC, 6) Crime No.637/2019 under Sections 452, 294(b), 323, 324, 506(ii) IPC, 7) Crime No.945/2020 under Section 324, 307 IPC, 8) Crime No.409/2022 under Sections 447, 294(b), 506(i), 452, 307, 34 IPC.

7. In such circumstances, dismissal of the application was sought. B.A.No.4782/23
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8. I have gone through the records. As rightly pointed out by the learned Public Prosecutor, ample materials exist against the petitioner. Specific overt acts are alleged against the petitioner, and the injuries inflicted on the de facto complainant are very serious. Besides the same, the petitioner has criminal

antecedents. From the details of the criminal antecedents furnished by the learned Public Prosecutor, it is discernible that, out of the eight cases, three cases involve offence under Section 307 IPC and the other cases are also serious in nature. In such circumstances, when considering all the relevant aspects, I do not find this as a fit case in which bail can be granted to the petitioner, even though final report has been submitted. Accordingly, this bail application is dismissed. Sd/- ZIYAD RAHMAN A.A. JUDGE DG/4.7.23 B.A.No.4782/23 5 APPENDIX OF BAIL APPL. 4782/2023 PETITIONER ANNEXURES Annexure1 THE TRUE COPY OF THE SAID ORDER IN CRL.M.P. NO 02 OF 2023 DATED 9.1.2023 IS PRODUCED HERewith AND MARKED AS ANNEXURE A1.