

Muhammed Rasheed, vs State of Kerala,

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Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./7625/2023

Appellant : Muhammed Rasheed,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA,
1945 BAIL APPL. NO. 7625 OF 2023 CRIME NO.1132/2023 OF
KALLAMBALAM POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED NO.1: MUHAMMED RASHEED, S/O. ABDUL
KAREEM AGED 65 YEARS ALI MANZIL, MARUTHIKUNNU P.O.,
NAVAYIKKULAM, THIRUVANANTHAPURAM, PIN - 695603 BY ADVS.
DONA AUGUSTINE ARUN RAJ RESPONDENTS/COMPLAINANT:
STATE OF KERALA, 1 REP. BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, PIN - 682031 THE STATION
HOUSE OFFICER, KALLAMBALAM POLICE STATION,

THIRUVANANTHAPURAM, PIN - 695611 OTHER PRESENT: SMT. T.V. NEEMA. SR. PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This application is filed under Section 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioner is the first accused in Crime No.1132/2023

of Kallambalam Police Station, Thiruvananthapuram Rural, registered for offences punishable under Sections 451, 341, 323, 324, 427, 326 r/w. Section 34 of the Indian Penal Code.

3. The prosecution allegation is that the de-facto

complainant owed an amount of Rs.15000/- to the applicant herein. Out of that animosity, on 16.07.2023 at 11 p.m., the accused persons, in furtherance of their common intention, trespassed into the residential house of the informant situated at Maruthikunnu desom, and they attacked him. 4th accused wrongfully restrained the informant and demanded the key of his vehicle. At that time, the other accused forcefully caught hold of the informant, and 2nd accused forcefully took the key of the vehicle belonged to the de facto complainant and the 2nd accused fisted the face of the informant with the key, and as a result of that the informant sustained injury on his nasal bone and on his left eyebrow. Thus, the accused have committed the

aforesaid offences.

4. The learned counsel appearing for the petitioner and the learned Public Prosecutor were heard.

5. After hearing the learned counsel for the petitioner and

the learned Public Prosecutor and taking into account the accusations levelled against the petitioner and also the nature of injuries caused as evident from the wound certificate, I am of the view that the petitioner is not entitled to get anticipatory bail as it might affect a proper investigation. Therefore, the following directions are issued:-

In the event the petitioner surrenders before the Investigating Officer in two weeks, he shall be interrogated and thereafter, shall be produced before the Magistrate having jurisdiction on the date of surrender itself. If the petitioner moves for bail, the court below shall, untrammelled by any of the observations in this order, consider the bail application on merits as expeditiously as possible. If the petitioner does not surrender before the Investigating Officer, as directed above, the Investigating Officer will be free to arrest the

petitioner as if no order has been passed in this case. The Bail Application is disposed of as above. Sd/- MOHAMMED NIAS C.P. JUDGE shg

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