

Renjith Kumar vs State of Kerala

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Court : Kerala

Decided On : Sep-30-2023

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./7987/2023

Appellant : Renjith Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
SATURDAY, THE 30TH DAY OF SEPTEMBER 2023 / 8TH ASWINA,
1945 BAIL APPL. NO. 7987 OF 2023 SOORANAD POLICE STATION
CRIME NO.1159 OF 2023 PETITIONERS/ACCUSED NOS.2 AND 3: 1
RENJITH KUMAR AGED 39 YEARS S/O RAVEENDRAN PILLAI,
KOCHEPPALLIL, IRAVICHIRA NADUVIL, PATHARAM, SOORANAD
SOUTH VILLAGE, KUNNATHOOR THALUIK, KOLLAM DISTRICT., PIN
- 690522 2 NITHIN.R AGED 26 YEARS S/O RAVI, NITHIN BHAVANAM,
KAKKAKKUNNU P.O, SOORANAD SOUTH VILLAGE, KUNNATHOOR
THALUIK, KOLLAM DISTRICT., PIN - 690522 BY ADV P.V.DILEEP
RESPONDENTS/STATE & COMPLAINANT: 1 STATE OF KERALA

REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031 2 THE STATION HOUSE OFFICER SOORANAD POLICE STATION, SOORANAD P.O, KOLLAM DISTRICT., PIN - 690522 BY SRI. NOUSHAD K.A PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioners are accused Nos.1 and 2 (though stated to be accused Nos.2 and 3 in the bail application) in Crime No.1159 of 2023 of Sooranad Police Station, Kollam District, alleging commission of offences under Sections 452, 294(b) and 427 r/w Section 34 of the IPC. The allegation against the petitioners is that the petitioners along with two others trespassed into the house of the defacto complainant, in search of the son of the defacto complainant, shouted obscenities and also damaged the window pane of the house as well as three motor cycles parked outside the house and thereby they committed the offences alleged against them.

2. Learned counsel appearing for the petitioners

would submit that there are no serious allegations against the petitioners. It is submitted that the petitioners are absolutely innocent of the matter and that a false complaint has been registered against them on account of the enmity of the son of the defacto complainant with one among the accused. It is submitted that the petitioners, therefore, may be granted anticipatory bail.

3. The learned Public Prosecutor opposes the

grant of anticipatory bail to the petitioners, stating that both the petitioners have criminal antecedents. It is submitted that there are three cases registered against the 1st petitioner and three other cases registered against the 2nd petitioner. It is submitted that since both the

petitioners are involved in earlier cases, where similar allegations including allegations under the Arms Act, 1959 and allegation of having committed offence under Section 326 IPC have been raised against the petitioners, they are not entitled to anticipatory bail.

4. Learned counsel for the petitioners would then

submit that the petitioners may be permitted to surrender before the Investigating Officer and they may be directed to be produced before the jurisdictional court on the same day itself after necessary interrogation.

Having heard the learned counsel for the petitioners and the learned Public Prosecutor and considering the facts and circumstances of the case, I am of the opinion that the petitioners can be permitted to surrender before the Investigating Officer in Crime No.1159 of 2023 of Sooranad Police Station, Kollam District. If the petitioners so surrender before the Investigating Officer on or before 5.00 pm on 05.10.2023, they shall be produced before the jurisdictional Magistrate, on the same day and any bail application filed by them shall be considered expeditiously. In the result, this application is allowed. It is directed that the petitioners shall be released on anticipatory bail, in the event of arrest in Crime No.1159 of 2023 of Sooranad Police Station subject to the following conditions:-

- (i) Petitioners shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the arresting officer;
- (ii) Petitioners shall appear before the investigating officer in Crime No.1159 of 2023 of Sooranad Police Station as and when summoned to do so;
- (iii) Petitioners shall not attempt to contact the complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.1159 of 2023 of Sooranad Police Station;

(iv) Petitioners shall not involve in any other

crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.1159 of 2023 of Sooranad Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- GOPINATH P. JUDGE SSK/30/09 APPENDIX OF BAIL APPL. 7987/2023 PETITIONER ANNEXURES Annexure-1 A TRUE COPY OF F.I.R IN CRIME NO. 1159 / 2023 OF SOORANAD POLICE STATION IN KOLLAM DISTRICT.

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