

Prem Das vs State of Kerala,Represented by Public Prosecutor

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Court : Kerala Orders

Decided On : Feb-27-2023

Judge : Honourable Mr. Justice a. Badharudeen

Appeal No. : Bail Appl./8897/2022

Appellant : Prem Das

Respondent : State of Kerala,Represented by Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A. BADHARUDEEN
MONDAY, THE 27TH DAY OF FEBRUARY 2023 / 8TH PHALGUNA,
1944 CRIME NO.645/2020 OF KOTTAYAM EAST POLICE STATION
PETITIONER/ACCUSED: PREM DAS AGED 27 YEARS S/O DEVADAS
P.K PANDITHARA HOUSE, PANDY P.O. CHERUTHANA ALAPPUZHA,
PIN - 690517 BY ADV M.R.SASITH RESPONDENT/STATE/DEFACTO
COMPLAINANT: STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR HIGH COURT OF KERALA, ERNAKAULAM, PIN -
682031 BY SRI.S.SANGEETHA RAJ, PUBLIC PROSECUTOR THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27.02.2023, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

ORDER

Dated this the 27th day of February, 2023 This is an application for anticipatory bail moved by the 2nd accused in crime No.645/2020 of Kottayam East police station.

2. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

3. I have perused relevant documents forming part of the case diary placed by the learned Public Prosecutor in this matter.

4. The prosecution case is that at about 01.30 p.m. on

18.08.2020, the accused herein after sharing common intention to commit robbery, one of the accused persons had invited the defacto complainant to a place namely Puthupally for the purpose of showing an Innova Crysta car, knowing that, the defacto complainant had intended to purchase one such used car. When the defacto complainant, his wife and son had reached near the office of the Grama Panchayath, the 1 st accused had entered into the car, while the petitioner had sprayed chilly powder on the face of the son of the defacto complainant and at that time, the 3 rd accused had snatched away a gold chain of five sovereigns, worth Rs.1,90,000/- worn by the defacto complainant and the 4 th accused had driven away the car by which the defacto complainant arrived at the scene of occurrence, by carrying other accused persons. Thereby the prosecution alleges commission of offences punishable under Sections 323 and 379 read with Section 34 of IPC.

5. It is submitted by the learned counsel for the

petitioner that overt acts at the instance of the petitioner herein are much less and the investigation has achieved much progress. Therefore, petitioner's custody, for the purpose of investigation, is not required and he is liable to be released on anticipatory bail. The learned Public Prosecutor placed the case diary as

such along with the report of the Investigating Officer. It is reported that the investigation not so far completed and it is absolutely necessary to arrest, interrogate and recover the gold chain robbed by the petitioner and also recovery of the vehicle, which was used to commit the offence. It seems that the investigation being stalled because so far, the 2nd accused/petitioner could not be arrested to go with recovery of the gold chain alleged to be robbed. In such a case, grant of anticipatory bail would stall the investigation and therefore, this petition deserves no merit and the same is accordingly dismissed.

Sd/- A. BADHARUDEEN JUDGE nkr APPENDIX OF BAIL APPL. 8897/2022
PETITIONER ANNEXURES Annexure A1 THE TRUE COPY OF FIR IN CRIME
NO: STATION IS DATED 18/08/2020 Annexure A2 COPY OF THE
ANTICIPATORY BAIL FILED BEFORE THE HONOURABLE SESSIONS COURT
KOTTAYAM DATED 31ST DAY OF OCTOBER

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