

Sameer Mtp vs State of Kerala

Sameer Mtp vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1441863

Court : Kerala Orders

Decided On : Feb-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./253/2022

Appellant : Sameer Mtp

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 14TH DAY OF FEBRUARY 2022 / 25TH MAGHA, 1943
BAIL APPL. NO. 253 OF 2022 CRIME NO.258/2016 OF MAYYIL
POLICE STATION, KANNUR PETITIONER/ACCUSED: SAMEER MTP,
AGED 39 YEARS, RESIDING AT SAMEENA MANZIL, MANAKKAT
THEKKE PEEDIKAYIL, PEKADAM, P.O. THRIKKARIPPUR,
KANHANGAD TALUK, KASARGOD, PIN - 671310 BY ADV
C.K.SREEJITH RESPONDENT: STATE OF KERALA, REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM,
PIN - 682031 BY SRI.M.C.ASHY, PUBLIC PROSECUTOR THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 14.02.2022,

THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

ORDER

This is an application for regular bail.

2. The petitioner is the accused in Crime No. 258 of 2016 of Mayyil Police Station, Kannur District, alleging commission of offences under Sections 448, 323, 326 & 307 r/w Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner along with other accused in the case attacked the de facto complainant and others and caused serious injuries to them.

4. The learned counsel for the petitioner submits that the petitioner is

absolutely innocent in the matter. It is submitted that in the present case, the petitioner was earlier granted bail by the committal court, which aspect was not properly taken into account while passing Annexure A1 by the Sessions Court. It is submitted that the endorsement that the bail application before the learned magistrate is not pressed, was an endorsement made on account of the fact that there was a change of vakalath. It is further submitted that the petitioner has been in custody from 20.12.2021 and his continued detention is not necessary in the matter.

5. The learned Public Prosecutor points out the finding of the learned

..3.. Sessions Judge in paragraph 4 of Annexure A1 order. It is pointed out that the petitioner is a person, who had absconded earlier for nearly five years. It is submitted that the petitioner is likely to abscond again and that one of the considerations for grant of bail is whether the accused will be available to face trial.

6. Having regard to the facts and circumstances of the case and

considering the circumstances mentioned in paragraph 4 of Annexure A1 order, I am of the opinion that it is very clear that if granted bail, the petitioner may abscond and may not be available to face trial. Therefore, the petitioner is not entitled to be released on bail. In the result, the bail application fails and accordingly, it is dismissed.

Sd/- GOPINATH P. JUDGE bka/14.02.2022

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com