

Manikantan vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-30-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./369/2022

Appellant : Manikantan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
TUESDAY, THE 30TH DAY OF AUGUST 2022 / 8TH BHADRA, 1944
(Crime No. 779/2019 of Parasala Police Station) PETITIONER/3RD
ACCUSED: MANIKANTAN, AGED 39 YEARS
S/O.KARUNAKARAN,ALAMPARA, PARASSUVAIKKAL, PARASSALA
P.O., THIRUVANANTHAPURAM DISTRICT, PIN- 695 502. BY ADVS.
D.ROBINSON C.C.ANOOP RESPONDENT/COMPLAINANT: 1 STATE
OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH
COURT OF KERALA, ERNAKULAM, COCHIN - 682 03.

2 INSPECTOR OF POLICE PARASALA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT, PIN- 695 502. OTHER PRESENT: PP -

SMT. NIMA JACOB THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.08.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: VIJU ABRAHAM, J BA No.369 of 2022 th Dated this the 30 day of August, 2022

ORDER

This is an application for anticipatory bail. rd

2. The petitioner is the 3 accused in Crime No. Police Station alleging commission of offences punishable under Sections 143, 144, 148, 149, 120(B), 452, 327, 347 and 386 of IPC.

3. The prosecution case, in short, is as follows. On

st 30.01.2006 at about 7.00 pm, the 1 accused with the intention to grab the properties of his father, hired 2nd accused for coercing his father to transfer his properties in his nd name. The 2 accused with the assistance of the accused no 3 st to 5 forcefully took the father of the 1 accused to his residence and the accused Nos.3 to 5 assaulted the father of st the 1 accused and forced him to execute a settlement deed in st favour of 1 accused and thereby the accused has committed the aforesaid offences. The FIR has been registered on 29.06.2019 on the basis of a confession statement made by the st 1 accused while he was under police custody in Crime No

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. Learned counsel for the petitioner submitted that the

petitioner has been falsely implicated in the aforesaid crime. Though the petitioner moved an application for bail before the Additional Sessions Judge-VII, Thiruvananthapuram, the same was rejected as per Annexure-A2 order.

6. The learned Public Prosecutor opposed the

application for bail mainly contending that the prosecution allegation is that the father of the first accused was forcefully make to execute a document in favour of

the first accused and it is seen that later a suit was filed by the father of the first accused as OS No.148/2006 before the Sub Court, Neyyattinkara and that was decreed in his favour. On realizing st that he will have to reconvey the property, the 1 accused committed murder of his father and Crime No.693/2019 was st registered and it is by questioned the 1 accused in the said crime that he had confessed about the commission of present crime. The learned Public Prosecutor further submitted that custodial interrogation of the petitioner is necessary for the purpose of investigation. Considering the facts and circumstances of the case and the nature of the allegations, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, bail application fails and is dismissed. sd/- VIJU ABRAHAM, JUDGE R.AV

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