

Haneesh vs State of Kerala

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Court : Kerala

Decided On : Feb-09-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./384/2022

Appellant : Haneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
WEDNESDAY, THE 9TH DAY OF FEBRUARY 2022 / 20TH MAGHA,
1943 BAIL APPL. NO. 384 OF 2022 AGAINST THE
ORDER/JUDGMENT IN CRMC 4/2022 OF SESSIONS
COURT, THRISSUR CRIME NO.819/2021 OF NEDUPUZHA POLICE
STATION PETITIONER/S/ACCUSED NOS.2 AND 3: 1 HANEESH
AGED 26 YEARS S/O.MOHANAN, MADATHIPARAMBIL HOUSE,
PANMUCK DESOM, KANIMANGALAM VILLAGE, THRISSUR TALUK. 2
JISHNU AGED 26 YEARS S/O.ULLAS, PALLIPATTIL HOUSE,
KOORKKENCHERY DESOM & VILLAGE, THRISSUR TALUK. BY ADV
THOMAS J.ANAKKALLUNKAL RESPONDENT/STATE: STATE OF

KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. ADV.T.R, RENJITH-SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BAIL APPL. NO. 384 OF 2022 2

ORDER

This is an application for regular bail.

2. Petitioner are accused Nos.2 and 3 in Crime

No.819/2021 of Nedupuzha police station, Thrissur district, alleging commission of offences under Sections 143, 147, 148, 365, 395, 397, 294(b) and 506(ii) r/w. 149 of the Indian Penal Code.

3. Allegation against the petitioners is that they,

together with the 1st accused, kidnapped the de facto complainant and committed theft of gold chain, mobile phone, purse, watch and ATM card of the de facto complainant. It is alleged that they committed dacoity and also voluntarily caused hurt to the de facto complainant.

4. Learned counsel appearing for the petitioners

would submit that the petitioners are absolutely innocent in the matter. It is submitted that the 1st accused in the case had invited the petitioners for the birthday party of his son and when they reached there, the 1st accused had handed over an ATM card and asked them to withdraw some money. It is submitted that later the petitioners came to know that the ATM card was that of the de facto complainant. The

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petitioners had no role in the kidnapping or theft of any item from the de facto complainant. It is submitted that the petitioners had no other role in the crime. It is submitted that the petitioners have been in custody from 27.11.2021 and their continued detention is not necessary for the purpose of any investigation.

5. Learned Public Prosecutor vehemently opposes the

grant of bail. It is submitted that the 1st accused in the case is involved in many cases. It is submitted that the petitioners had clearly ganged up with the 1st accused and had committed the offences alleged against them. It is submitted that if the petitioners are released on bail, there is every chance that they may influence or intimidate the witnesses in the case. It is submitted that the petitioners are not entitled to be released on bail. It is also submitted that the 2nd petitioner (accused No.3) has criminal antecedents and proceedings under Section 151 Cr.P.C had been initiated against him.

6. Having regard to the facts and circumstances of the

case and considering the allegations against the petitioners and considering the fact that they have been in custody from 27.11.2021 and also considering the fact that their continued detention is not necessary for the purpose of any BAIL APPL. NO. 384 OF 2022 4 investigation, I am of the opinion that the petitioners can be released on bail subject to strict conditions. Accordingly, this application for bail is allowed and it is directed that the petitioners shall be released on bail subject to the following conditions:-

(i) The petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court;

(ii) Petitioners shall appear before the investigating officer in Crime No. 819/2021 of Nedupuzha Police station on every Saturday at 11 am until filing of final report;

(iii) The petitioners shall not attempt to interfere with the investigation or to influence or intimidate the de facto complainant or any witness in Crime No.819/2021 of Nedupuzha police station;

(iv) The 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.819/2021 of Nedupuzha police station may file an application before the jurisdictional court, for cancellation of bail. BAIL APPL. NO. 384 OF 2022 5 This order shall not be treated as an entitlement of the accused Nos.1 and 4 in the case (who are stated to have criminal antecedents) to seek bail. sd/-
GOPINATH P. JUDGE ajt

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