

Riyad C R vs State of Kerala

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Court : Kerala

Decided On : Feb-11-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./487/2022

Appellant : Riyad C R

Respondent : State of Kerala

Judgement :

B.A.No.487/2022 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. FRIDAY,
THE 11TH DAY OF FEBRUARY 2022 / 22ND MAGHA, 1943 BAIL
APPL. NO. 487 OF 2022 CRIME NO.355/2021 OF NADAKKAVU
POLICE STATION, KOZHIKODE AGAINST THE ORDER/JUDGMENT
IN CRMC 1592/2021 OF ADDITIONAL DISTRICT COURT, KOZHIKODE
/ I ADDITIONAL MACT, KOZHIKODE CMP 2249/2021 OF JUDICIAL
MAGISTRATE OF FIRST CLASS -IV,KOZHIKODE

PETITIONER/ACCUSED NO.1: RIYAD C R AGED 21 YEARS S/O
RASHEED C.A, CHEMPATTU HOUSE, MAMPARA, ULLIKKADAVU,

IRIYANKUDY P.O.THRISSUR DISTRICT-680 BY ADV T.U.SUJITH KUMAR RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN-682 031, REPRESENTING THE STATION HOUSE OFFICE, NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT OTHER PRESENT: SRI. NOUSHAD K.A. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.487/2022 2

ORDER

This is an application for regular bail.

2. The petitioner is the first accused in Crime No.365/2021 of Nadakkavu Police Station, Kozhikkode District, alleging commission of offences under Sections 457, 380 & 379 r/w. Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that in between 6 P.M. on

22.06.2021 and 5 A.M on 23-06-2021, the petitioner along with accused No.2 trespassed into the workshop of the de facto complainant and committed theft of a Car having a value of about Rs. 7,00,000/- (Seven lakhs only) and thereby they committed the offences alleged against them.

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

has been in custody from 24-06-2021. It is submitted that the petitioner is only 21 years old and that he is absolutely innocent in the matter. It is submitted that the petitioner has roped in on the basis of some misunderstanding. It is submitted that the since a final report has already been filed in the matter, his continued detention is not necessary for the purposes of investigation.

5. The learned Public Prosecutor opposes the grant of bail. It is

submitted that the petitioner is accused in 7 other cases, most of which are the cases under Sections 379/380 of the Indian Penal Code. It is submitted that the

petitioner is also accused in a case alleging commission of offence B.A.No.487/2022 3 under Section 376 and the provisions of the POSCO Act. It is submitted that, if the petitioner is released on bail, there is every chance of similar offences being repeated.

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

considering the criminal antecedents of the petitioner and also considering the fact that the grant of bail may result in similar offences being repeated in future (which is one of the considerations that the bail court will keep in mind while deciding whether the person is released on bail), I am of the opinion that the petitioner is not entitled to be released on bail. Hence this bail application is dismissed.

Sd/- GOPINATH P. JUDGE acd

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