

Gireesh vs the State of Kerala

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Court : Kerala

Decided On : Feb-03-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./523/2022

Appellant : Gireesh

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 3RD DAY OF FEBRUARY 2022 / 14TH MAGHA,
1943 BAIL APPL. NO. 523 OF 2022 CRIME NO.763/2021 OF ALOOR
POLICE STATION, THRISSUR AGAINST THE ORDER IN CRMP
250/2022 OF JUDICIAL MAGISTRATE OF FIRST CLASS - I,
CHALAKUDY PETITIONER/ACCUSED NO.3: GIREESH AGED 50
YEARS S/O KANNANKUTTY, THACHANADAN HOUSE,
THIRUTHYPARAMBU DESOM, ALOOR VILLAGE, THRISSUR
DISTRICT, PIN-680 683 BY ADVS. A.C.DEVY A.M.ABDULLA
K.R.RAMISH RESPONDENT/COMPLAINANT/STATE: THE STATE OF
KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH

COURT OF KERALA, ERNAKULAM-682 031 OTHER PRESENT: ADV
ASHI -PP THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 03.02.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: B.A.No.523/2022 2

ORDER

This is an application for regular bail.

2. The petitioner is the 3rd accused in Crime No.763/2021 of Aloor Police Station, Thrissur District, alleging commission of offences under Sections 452, 506, 294(b), 308 and 427 r/w. Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner along

with the other accused threatened to kill the de facto complainant, who is the Supervisor of a Bar Hotel and also threatened the other employees of the Bar Hotel with a knife, used obscene language and destroyed liquor bottles and three other glass tables causing a damage of about Rs.40,000/-.

4. The learned counsel for the petitioner submits that 4 th accused in the case has already been released on bail by the learned Magistrate. It is

submitted that the petitioner is absolutely innocent in the matter. It is submitted that there is no allegation that the petitioner had brandished a knife and had threatened to kill the Supervisor of the Bar Hotel. It is submitted that the petitioner has been in custody from 29.12.2021 and his continued detention is not necessary for the purposes of any investigation.

5. I have heard the learned Public Prosecutor also.

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

submitted that the petitioner has criminal antecedents and is included in the Rowdy list of Aloor Police Station. It is submitted that there are seven cases against the petitioner and that if the petitioner is released on bail, there is every B.A.No.523/2022 3 chance of similar offences being repeated in future.

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

taking into account the present Covid-19 situation and considering the fact that the continued detention of the petitioner may not be necessary for the purposes of any investigation, I am of the opinion that the petitioner can be released on bail subject to conditions.

7. In the result this bail application is allowed. It is directed that the petitioner shall be released on bail, subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court;

(ii) The Petitioner shall report before the Investigating officer in Crime No. 763/2021 of Aloor Police Station on every Saturday at 11 a.m until further orders;

(iii) The petitioner shall not attempt to interfere with the investigation, influence or intimidate the de facto complainant or any witness in Crime No. 763/2021 of Aloor Police Station;

(iv) The petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No. 763/2021 of Aloor Police Station may file an application before the jurisdictional Court for cancellation of bail. sd/- GOPINATH P. JUDGE acd

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