

Prasamth Kumar vs State of Kerala

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Court : Kerala Orders

Decided On : Mar-14-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./606/2022

Appellant : Prasamth Kumar

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 MARCH 2022 / 23RD PHALGUNA, 1943
BAIL APPL. NO. 606 OF 2022 Crime No.1693/2021 of Karamana Police
Station PETITIONER/ACCUSED: PRASANTH KUMAR AGED 37
YEARS, S/O.RAJENDRAN, T.C.23/1362-10, PUNARTHAM,
KOTTUVILAKOM, MELARNANNOOR, KARAMANA P.O., BY ADV
J.G.SYAMNATH RESPONDENTS/STATE 7 DEFACTO
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM -
682 031. 2 THE STATION HOUSE OFFICER KARAMANA POLICE
STATION, THIRUVANANTHAPURAM - 695 002. 3 SREEPRIYA AGED
35 YEARS, D/O.GIRIJA KUMARI, T.C.23/1362-10, PUNARTHAM,

KOTTUVILAKOM, MELARANNOOR, KARAMANA P.O.,

OTHER PRESENT: ADV.SRI. T.R. RENJITH (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A. No.606/2022 -2-

ORDER

This bail application was filed by one Prasanth Kumar who was the accused in Crime No.1693/2021 of Karamana Police Station, Thiruvananthapuram District. This bail application has become infructuous as the petitioner was arrested on 14-02-2022.

2. When this bail application came up for consideration on 21-01- 2022 the matter was adjourned to 02-02-2022, to enable the learned Public Prosecutor to get instructions. The matter was thereafter listed only on 17-02-

2022. It appears that the Inspector of Police, Karamana Police Station [S.H.O,

Karamana P.S] had proceeded to take the petitioner into custody at about 12.30 p.m on 12-0-2022. At about 1 p.m the same day, Advocate Shanu A., who is a practising advocate of the Thiruvananthapuram bar had appeared before the Station House officer and had informed him that there is an interim

order by this court prohibiting the arrest of the petitioner in the bail

application. It is reported that a printout of the status of the case from the High Court website was also shown/given to the Station House Officer which indicated that there was an order - P.P to get instructions. Post on 02-02-

2022. No coercive steps till then. Accordingly the arrest of the petitioner was not recorded on 12-02-2022. It was later realized that this court has not passed any such interim order and the petitioner in the bail application was B.A. No.606/2022 - 3- taken to custody again on 14-02-2022.

3. When this matter came up for consideration subsequently before

this court, the learned counsel appearing for the petitioner in this court, namely Advocate Syamnath J.G submitted that the representation made by Adv. Shanu A., that there was an interim order in the matter was only on account of the misunderstanding/mistake at his office. It was submitted that for office file keeping purposes a case status was being generated and under the impression that there was a direction by this court, the case status was updated accordingly. It is submitted that this case status was mistakenly communicated to Advocate Shanu A., who bonafide believed that there was an interim order by this court. An affidavit is also filed expressing regret and tendering unconditional apology and also undertaking that no such incident will happen again.

4. Having considered the contents of the affidavit filed before this

court by Advocate Syamnath J.G and considering the fact that the explanation given is that the mistake committed was not wilful, I deem it appropriate to close these proceedings making it clear that no further action need be taken on the complaint submitted by the Additional Public Prosecutor on 14-02- 2022 before the Registrar General of this Court regarding this incident. I deem it appropriate to adopt this cause of action, accepting the affidavit filed

B.A. No.606/2022 -4- as above and considering the fact that Advocate Syamnath J.G is a young member of the bar, who appears to have realized his mistake. I also deem it appropriate to clarify that in the light of the affidavit filed by Advocate Syamnath J.G it is clear that Advocate Shanu A., who represented before the Station House Officer, Karamana Police Station that there was an interim

order by this Court interdicting the arrest of the petitioner, had done so only

on the basis of information received from Adv. Syamnath J.G and he had no other role in the matter. The bail application will stand closed as above. Sd/- GOPINATH P. JUDGE AMG

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