

Irshad.K vs State of Kerala

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Court : Kerala

Decided On : Jun-02-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./725/2022

Appellant : Irshad.K

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
THURSDAY, THE 2ND DAY OF JUNE 2022 / 12TH JYAISHTA, 1944
(CRIME NO.183/2018 BEFORE TH TANUR POLICE STATION,
MALAPPURAM DISTRICT) PETITIONERS/ACCUSED 17 AND 19: 1
IRSHAD.K, AGED 23 YEARS S/O.UMMER, KUNHALAKATH HOUSE
KORMAN KADAPPURAM, TANUR 2 AFSAL MP, AGED 32 YEARS S/O
MOHAMMEDALI MAMICHINTE PURAKKAL HOUSE ELARAM
KADAPPURAM TANUR BY ADVS. JAMSHEED HAFIZ K.K.NESNA
RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN
- 682031. OTHER PRESENT: PP - SRI. M.C.ASHI THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 02.06.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

This is an application for anticipatory bail.

2. The petitioners are accused Nos.17 and 19 in Crime

No.183 of 2018 of Tanur Police Station, alleging commission of offences punishable under Sections 143, 147, 148, 448, 427, 395 and 153-A read with Section 149 of the Indian Penal Code.

3. The allegation of the prosecution is that on 16.04.2018 at about 11.50 hours, the accused 1 to 25 trespassed into the shop of the defacto complainant at Tanur

Junction with an intention to cause communal violence, committed dacoity of fire crackers, money and other items worth Rs.1,02,000/- from the shop of the defacto complainant and also damaged furniture worth Rs.25000/- and thereby they committed the aforesaid offences.

4. Learned counsel for the petitioners submitted that some of the accused are already released on bail and the

petitioners herein moved an anticipatory bail before the Sessions Court, Manjeri as CrI.M.C.No.1352 of 2021 and the same was dismissed by the learned Sessions Judge, as per Annexure-1 order. Learned counsel for the petitioners submitted that the petitioners are innocent of the charges levelled against them and they are falsely implicated in this case. Having regard to the facts and circumstances of the cases and the nature of the allegations, I am not inclined to grant anticipatory bail to the petitioners. But the petitioners shall be permitted to surrender and seek for bail. Therefore, the above application is disposed of as follows: Petitioners shall surrender before the investigating officer on 07.06.2022 at 8 am and after interrogation, he shall be produced before the Jurisdictional Magistrate on the very same day and if the petitioner moves a bail application with advance copy to the learned Public Prosecutor, the application shall be considered by the Jurisdictional

Magistrate, preferable on the same day. sd/- VIJU ABRAHAM JUDGE R.AV

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