

Nitheesh Raj vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-26-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./3875/2021

Appellant : Nitheesh Raj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
TUESDAY, THE 26TH DAY OF JULY 2022 / 4TH SRAVANA, 1944 BAIL
APPL. NO. 3875 OF 2021 CRIME NO.117/2021 OF KASABA
POLICESTATION, PALAKKAD PETITIONER/ACCUSED: NITHEESH
RAJ AGED 25 YEARS NEDIYADATH HOUSE, CHAVAKKAD,
MANANTHALA, THRISSUR, PIN - 680506 BY ADV M.R.SASITH
RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN -
682031 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: PP - SRI.
M.C.ASHI THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 26.07.2022, THE COURT ON THE SAME DAY

DELIVERED THE FOLLOWING: BA No.3875 of 2021 2

VIJU ABRAHAM, J.

B.A.No.3875 of 2021 Dated this the 26th day of July, 2022

ORDER

This is an application for anticipatory bail.

2. Petitioner is the 4th accused in Crime No.117 of 2021 of

Kasaba Police Station, Palakkad registered alleging commission of offences punishable under Sections 341, 323, 363 and 394 read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioner is that on 14.03.2021 at

around 10.50 p.m. when the defacto complainant was driving the lorry bearing registration No.TN 64 JD 853 near Pollachi while going towards Palakkad, accused Nos.1 to 4 who were in a car obstructed the lorry, pulled the defacto complainant out and hit him causing physical injuries.

Thereon the accused persons forcefully kidnapped the defacto complainant in their car and took unlawful possession of the fish worth Rs.7,00,000/- which was stored in the lorry. Subsequently the defacto complainant was forced out of the car by the accused persons near Walayar sales tax check post and the lorry also was left there. Thus the accused committed the abovesaid offences.

4. Petitioner submits that he has been falsely implicated in the abovesaid crime and he has no criminal antecedents. BA No.3875 of 2021 3

5. Learned Public Prosecutor upon instructions submitted that all

the accused jointly hatched a conspiracy and abducted the defacto complainant in a car. The lorry along with the fish worth Rs.7,00,000/- was also taken away. Later on investigation it was revealed that the load of fish was sold to the 9th accused

and the amount was received by the petitioner herein. Learned Public Prosecutor upon instruction further submitted that the petitioner has no other criminal antecedents.

Considering the serious nature of the allegations, I am not

inclined to grant pre-arrest bail to the petitioner. It is for the petitioner to surrender before the investigating officer and subject himself to interrogation. In the event of arrest of the petitioner in connection with the said crime, he shall be produced before the jurisdictional Magistrate on the same day and if he moves an application for bail with advanced copy to the Public Prosecutor, the same shall be considered and disposed of without much delay.

Sd/- VIJU ABRAHAM JUDGE cks

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