

Sooraj vs State of Kerala

Sooraj vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1494031

Court : Kerala Orders

Decided On : Jul-29-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./4927/2022

Appellant : Sooraj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 29TH DAY OF JULY 2022 / 7TH SRAVANA, 1944 BAIL
APPL. NO. 4927 OF 2022 CRIME NO.52 OF 2022 MALA POLICE
STATION PETITIONER/ACCUSED NO.1: SOORAJ AGED 23 YEARS
S/O SUNIL KUMAR, SUNIL BHAVANAM, THAIMATTUMKARA,
THIRUVALLAA, PATHANAMTHITTA - 689101 BY ADVS. M.R.SASITH
R.K.CHIRUTHA RAJITHA V.K NEELANJANA NAIR VISHNUMAYA M.B.
BHAVANA K.K RESPONDENT/: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
BY ADV PUBLIC PROSECUTOR OTHER PRESENT: PP - SRI.
M.C.ASHI THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 29.07.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: BA No.4927 of 2022 2

VIJU ABRAHAM, J.

B.A.No.4927 of 2022 Dated this the 29th day of July, 2022

ORDER

This is an application for regular bail.

2. Petitioner is the 1st accused in Crime No.52 of 2022 of Mala

Police Station (C.C.No.38 of 2022 of Judicial First Class Magistrate Court, Chalakudy) registered alleging commission of offences punishable under Section 392 read with Section 34 of Indian Penal Code.

3. The prosecution allegations, in brief, is that accused Nos. 1

and 2 with an intention to commit robbery, rode a motorcycle along Annamanada-Vennur public road on 12 01 2022 at 5:00 am, and when they reached near Vennupadam sawmill, the defacto complainant was travelling in a scooter and the accused then beat on the scooter The scooter capsized and the defacto complainant fell down The accused then snatched a gold chain of 2 sovereigns from the neck of the defacto complainant and robbed a piece of the chain worth about 1 sovereign and thus, the accused are alleged to have committed offences punishable under above provisions of law

4. The petitioner is in custody from 15.01.2022 onwards and further custody of the petitioner is not necessary as the investigation is over and the final report is submitted. Earlier applications filed before the BA No.4927 of 2022 3

concerned Magistrate Court and Sessions Court were dismissed and thereafter, though a bail application was filed before this court, the same was dismissed as withdrawn as per Annexure A3 order.

5. Learned Public Prosecutor on instructions submitted that when

the defacto complainant was travelling in a scooter, the 2nd accused kicked on the said scooter and she fell down and sustained injuries and thereupon the 1st accused snatched a gold chain from her. It is further submitted that the petitioner is involved in three other cases of similar nature and the 2nd accused is also involved in a case of a similar nature, the details of which are as follows:

Crime No.505 of 2021 registered under Sections 457, 461 and 380 of the Indian Penal Code, of Koyipram Police Station and Crime No.1156 of 2021 registered under Sections 457, 394 and 34 of the Indian Penal Code, of Thiruvalla Police Station.

The learned Public Prosecutor seriously opposed the application for bail, especially for the reason that the petitioner is habitually involved in offences of a similar nature and if the petitioner is released on bail, there is every chance that the petitioner will repeat offences of similar nature which will result in serious danger to the life of the women and further that there is every chance to threaten the witness and also to flee from justice.

Taking note of the fact that the petitioner is involved in 3 other BA No.4927 of 2022 4 cases of a similar nature, the apprehension raised by the Public Prosecutor cannot be brushed aside. Considering the criminal antecedents of the accused and also the serious nature of the allegations, I am of the opinion that the petitioner is not entitled to bail and the same is accordingly dismissed. Sd/- VIJU ABRAHAM JUDGE cks

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com