

Jithin M Thomas vs State of Kerala

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Court : Kerala Orders

Decided On : Sep-30-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./7722/2022

Appellant : Jithin M Thomas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
FRIDAY, THE 30TH DAY OF SEPTEMBER 2022 / 8TH ASWINA, 1944
BAIL APPL. NO. 7722 OF 2022 PETITIONER/1ST ACCUSED: JITHIN M
THOMAS, AGED 32 YEARS, RESIDING AT CHACKALAYIL,
NALUKODY P.O, CHANGANACHERRY, KOTTAYAM, PIN - 686548 BY
ADVS. R.SUDHISH M.MANJU

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 30.09.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: B.A. No. 7722 of 2022 2

VIJU ABRAHAM, J.

----- B.A. No. 7722 of 2022 ----- Dated this the
30th day of September, 2022

ORDER

Application for anticipatory bail.

2. Petitioner is the 1st accused in Crime No. 1526 of 2022 of Thrikodithanam Police Station, Kottayam registered alleging commission of the offences under Sections 452, 427, 324 and 294(b) r/w 34 of the IPC.

3. The prosecution case is that, on 22.08.2022 at about 2.00 am, due to the animosity arose against the defacto complainant as he has informed the police that the accused persons are having ganja in their possession, the accused persons 1 to 3 in prosecution of their common intention trespassed into the defacto complainants house and the 1 st accused attacked him using an iron rod and other accused persons fisticuffed the defacto complainant.

Further the petitioners have also destroyed household electronic devices and a mobile phone and B.A. No. 7722 of 2022 3 thereby committed the aforesaid offences.

4. The petitioner submits that he has been falsely implicated in the above said crime.

5. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor.

6. The learned Public Prosecutor seriously opposed

the application for bail mainly contending that on a previous enmity towards the defacto complainant a complaint against the petitioners regarding the sale of ganja, petitioners trespassed into the house of the defacto complainant at 2.00 am on 22.08.2022 and

brutally attacked the defacto complainant and he sustained serious injuries and thereafter destroyed the household articles including mobile phone of the mother of the defacto complainant. Learned Public Prosecutor further submitted that some accused are involved in other criminal cases and accused No.3 is a convict in Crime No.437/2013 of Kariyilakulangara Police Station, registered for offence punishable

under Section 302 of IPC and in another involved.

7. Having regard to the facts and circumstances

of the case, and considering the nature of the allegations and the criminal antecedents against the petitioner, I am not inclined to grant anticipatory bail to the petitioner, but I feel that the bail application can be disposed of with the following directions: The petitioner shall surrender before the investigating officer and shall co-operate with the investigation. In the event of arrest of the petitioner, after interrogation, he shall be produced before the Jurisdictional Magistrate on the very same day. If an application for bail is moved with prior notice to the Public Prosecutor, same shall be considered by the learned Magistrate preferably on the same day. sd/- VIJU ABRAHAM, JUDGE pm

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