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Abdul Bashith, vs the State of Kerala,

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Court : Kerala Orders

Decided On : Apr-04-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./9315/2021

Appellant : Abdul Bashith,

Respondent : The State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. MONDAY, THE 4TH DAY OF APRIL 2022 / 14TH CHAITHRA, 1944 BAIL APPL. NO. 9315 OF 2021 CRIME NO.645/2021 OF KUMBLA POLICE STATION, KASARAGOD DISTIRCT PETITIONER/FIRST ACCUSED: ABDUL BASHITH, AGED 29 YEARS SON OF ABDUL RAHIMAN, RESIDING AT K.K. HOUSE, PERWAD, KOIPPADY, KASARAGOD DISTRICT 671 321. BY ADVS. T.MADHU C.R.SARADAMANI SHAHID AZEEZ RENJISH S. MENON RESPONDENTS/STATE: 1 THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 682 031. 2 THE STATION HOUSE OFFICER, KUMBLA

POLICE STATION, KASARAGOD DISTRICT 673 321. SRI.T.R.RENJITH SR P P THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.04.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: GOPINATH.P, J

---------- Dated this the 4th day of April, 2022

ORDER

The petitioner is the first accused in Crime No.645/2021 of Kumbala Police Station, Kasaragod District alleging commission of offences under Sections 341 and 307 of the Indian Penal Code read with Section 34 of that Code.

2. The allegation against the petitioner is that the petitioner along

with the other accused in the case attacked the de facto complainant and his friend Sainudheen and inflicted stab injury on the neck of the aforesaid Sainudheen, as a result of which, serious injuries were caused to Sainudheen.

3. The learned counsel for the petitioner would submit that the

petitioner is absolutely innocent in the matter. It is submitted that the petitioner has been falsely implicated. It is submitted that the offence under Section 307 IPC is the only non-bailable offence alleged and that the offence at any rate is not attracted in the facts and circumstances of the case. It is submitted that the petitioner may therefore be granted anticipatory bail.

4. The learned Public Prosecutor opposes to grant of bail. It is

submitted that the aforesaid Sainudheen suffered serious injuries requiring 13 stitches on his neck, on account of the attack by the petitioner and others. It is submitted that the main allegations are against the petitioner herein and that the petitioner has criminal antecedents. It is submitted that the petitioner is the accused in eight other cases including a case for commission of offence punishable under Section 302 of the Indian Penal Code. It is submitted that some

of the other cases registered against the petitioner involved commission of similar offences.

5. Having regard to the facts and circumstances of the case and

considering the nature of the allegation and considering the criminal antecedents reported against the petitioner, I am of the view that the petitioner is not entitled to anticipatory bail. In the result, this bail application will stand dismissed. Sd/- GOPINATH.P JUDGE lsn

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