

Devanath vs State of Kerala

Devanath vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1589475

Court : Kerala

Decided On : Feb-26-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./22/2021

Appellant : Devanath

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. FRIDAY,
THE 26TH DAY OF FEBRUARY 2021 / 7TH PHALGUNA, 1942 CRIME
NO.494/2020 OF Kulamavu Police Station , Idukki PETITIONER :-
DEVANATH AGED 30 YEARS KALLADAPARAMBIL HOUSE,
KULAMAVU P.O. BY ADV. SRI.RENJITH B.MARAR RESPONDENT :
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA SRI AJITH MURALI-PP THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 26.02.2021,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 26th day of February 2021 Application for pre-arrest bail.

2. The petitioner is the first accused in Crime

No.494 of 2020 of Kulamavu Police Station, Idukki District registered for the offences punishable under Sections 341, 294(b), 323, 506(i), 354 r/w Section 34 of the Indian Penal Code.

3. The prosecution allegation is as follows : On 20.11.2020 at about 03.00 p.m the defacto

complainant, who is a retired sub inspector of police was waiting for a bus along with his wife in a bus waiting shed at Kulamavu. At that time, this petitioner along with the other accused came there and wrongfully restrained them and abused them in filthy language and also attempted to outrage the modesty of the wife of the defacto complainant. This petitioner had twisted the arms of the wife of the defacto complainant and

pushed her down. Thereby this petitioner and other accused have committed the aforesaid offences.

4. Heard the learned counsel for the petitioner as well the learned Public Prosecutor.

5. The learned counsel for the petitioner would submit that he has been falsely implicated in the case by the undue influence of the defacto complainant, who

is a retired police officer. In fact he has had arrest and unnecessary torture from the police as the defacto complainant is a retired police officer. Hence this application.

6. The learned Public Prosecutor would point out that this petitioner is having criminal background as he is involved in 5 other cases registered before the very same police station. So according to him he is not a person entitled for pre-arrest bail.

7. The criminal antecedents of this petitioner

would show that he is creating nuisance and disturbance to the peaceful life of the public in that locality though he is aged only 30 years. He is a resident of Kulamavu and he is well aware of the fact that the

defacto complainant is a retired police officer. Still records would indicate that prima facie he has committed the offences towards the wife of the defacto complainant in broad day light. Considering the nature of the accusation levelled against this petitioner and his criminal antecedents, I do not find any justification to exercise the discretion of this court under Section 438 of Cr.P.C. in favour of this petitioner. Therefore, I think that this application can be

disposed of directing the petitioner to surrender before the Investigating officer on 04.03.2021 at 10.30 am. Upon such surrender, after interrogation, and after recording his arrest, he shall be produced before the jurisdictional Magistrate on the very same day. If a bail application is moved by him, the jurisdictional Magistrate shall consider and dispose of the the same without much delay.

Sd/- SHIRCY V. JUDGE SMA

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