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

Sreejith vs State of Kerala

Sreejith vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1593427

Court : Kerala Orders

Decided On : Jan-28-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./485/2021

Appellant : Sreejith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON THURSDAY, THE 28TH DAY OF JANUARY 2021 / 8TH MAGHA, 1942 CRIME NO.4259/2020 OF Varkala Police Station , Thiruvananthapuram PETITIONER/S: SREEJITH AGED 22 YEARS, S/O. SREEKUMAR, RESIDING AT HAREENDRA BHAVAN, SNEHA NAGAR-281, AYATHIL.P.O., KOLLAM- 691021. BY ADV. SRI.S.SREEKUMAR (KOLLAM) RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682031. 2 THE STATION HOUSE OFFICER VARKALA POLICE STATION, THIRUVANANTHAPURAM- 695141. BY SRI.SANTHOSH PETER SR PP BY ADDL.DIRECTOR GENERAL OF PROSECUTION

OTHER PRESENT: THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.01.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 28th day of January 2021 This is an application for anticipatory bail under Section 438 of Cr.P.C.

2. The applicant is the 9th accused in Crime No.4259/2020 of the Varkala Police Station for having allegedly committed the offences punishable under Sections 450, 364, 326 and 307 read with Section 34 of the I.P.C.

3. The prosecution case, in brief, is that due to

previous enmity with the de facto complaina

resort, named Mango Resort at Varkala, and took the de facto complainant from there and assaulted him causing grievous hurt to him by means dangerous weapons like iron rod, sword and hammer and caused fracture to his parietal region and other injuries were also caused by the accused.

4. It is stated that the applicant is innocent and he has no criminal antecedents and he is willing to cooperate with the investigation, and therefore, seeks pre-arrest bail.

5. Heard the learned Counsel for the applicant and the learned Public Prosecutor.

6. The learned Public Prosecutor submits that accused 1 and 2 belong to a notorious gang of criminals, and other accused, including the applicant are also members of that gang. Accused 1 and 2 have various criminal cases and antecedents against them and

it was planned to commit murder of the de facto complainant and hence the applicant will have to be subjected to custodial interrogation and he may not be granted pre-arrest bail.

7. After having heard the arguments submitted by

the learned Public Prosecutor and the learned Counsel appearing for the applicant, and considering the fact that the injuries sustained by the de facto complainant on his head, which could have proved fatal and the applicant also had a very active role in the assisting accused 1 and 2, who have criminal antecedents and the applicant is alleged to be member of the gang, I find that the applicant is not entitled to the extraordinary and exceptional remedy of pre-arrest bail. The applicant is therefore directed to surrender before the

investigating officer within two weeks. In t

jurisdictional court, where he is at liberty to apply for regular bail, which shall be considered and disposed of preferably on the very same day. Sd/- ASHOK MENON dkr JUDGE

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