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Adharsh vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-23-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./1719/2021

Appellant : Adharsh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON TUESDAY, THE 23RD DAY OF FEBRUARY 2021 / 4TH PHALGUNA, 1942 CRIME NO.2493/2020 OF ERAVIPURAM POLICE STATION, Kollam PETITIONER/S: ADHARSH AGED 27 YEARS S/O. ASHTAPALAN, RESIDING AT CHARUVILA VEEDU, PERUNKULAM NAGAR, PUNTHALATHAZHAMCHERRY, VADAKKEVILA VILLAGE, KOLLAM BY ADV. SRI.S.SREEKUMAR (KOLLAM) RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 2 THE STATION HOUSE OFFICER ERAVIPURAM POLICE STATION, KOLLAM R1 BY PUBLIC PROSECUTOR R1-2 BY ADDL.DIRECTOR GENERAL OF

PROSECUTION SMT.K.K.SHEEBA -PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23.02.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 23rd day of February 2021 Application for regular bail under Section 439 Cr.P.C. The applicant is the first accused in Crime No.2493/2020 of Eravipuram Police Station, Kollam, for having allegedly committed offences punishable under Sections 294(b), 341, 324, 506(ii) and 307 r/w Section 34 of the IPC.

2. The prosecution case, in brief, is that on

17.09.2020 at about 7 p.m, the appli

complainant and attacked him by means of dangerous weapon like chopper and inflicted injuries on his head and all over the body, a total number of

seven lacerated injuries were caused

Station and the formal arrest of the applicant in this case was recorded on 23.12.2020.

3. The applicant states that the allegations

are not true and that he is innocent. This is the second time he is approaching this Court for bail. His earlier bail application BA No.484/2021 was dismissed on 01.02.2021 and the applicant states that the final report has already been filed and therefore further detention of the applicant may not be necessary.

4. Heard the learned counsel for the applicant and the learned Public Prosecutor.

5. The learned Public Prosecutor pointed out that the applicant is involved in 16 other crimes. Five of which were under the NDPS Act. KAAPA proceedings were also initiated against the applicant and therefore releasing the applicant on bail would be at the risk of his opportunity to abscond and there is also possibility of his

intimidating and influencing witnesses. The applicant's earlier bail application was rejected mainly for the reason that he is a history sheeter having about 16 crimes including offence under Section 307 and offences under the NDPS Act and

therefore it was observed that the appl

improve the situation, because the applicant may still be able to intimidate the witnesses, who will not dare to speak against him in case they are examined during the trial. Under the circumstances, I find that it is not detrimental for the prosecution to release the applicant who is having such a notorious criminal record on bail. Filing of the final report is not a change of circumstances. It is only rather helpful to the prosecution that they had been promptly completing the investigation and filing the final report before the statutory period and therefore the application for bail cannot be entertained. The application is dismissed with a direction to the jurisdictional court to expedite the trial and disposed of the matter as expeditiously as possible. Sd/- ASHOK MENON JUDGE SPK

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