

Sreejith vs State of Kerala

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Court : Kerala

Decided On : Mar-31-2021

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./2736/2021

Appellant : Sreejith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
WEDNESDAY, THE 31ST DAY OF MARCH 2021 / 10TH CHAITHRA,
1943 CRIME NO.409/2021 OF Aryanad Police Station ,
Thiruvananthapuram PETITIONER/S: SREEJITH, AGED 36 YEARS
PRA-34, INDIRA NAGAR, PERRORKADA, KUVAZHAYILA KUNNUVILA
VEEDU, RADHAKRISHNA LANE, THIRUVANANTHAPURAM - 695005.
BY ADV. SRI.SABU S.KALLARAMOOLA RESPONDENT/S: STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM - 682031. R1 BY SMT.V.SREEJA-PP
OTHER PRESENT: THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 31.03.2021, THE COURT ON THE SAME DAY

PASSED THE FOLLOWING:

O R D E R

Dated this the 31st day of March 2021 This is an application for regular bail under Section 439 of the Cr.P.C.

2. The applicant is the 2nd accused in Crime No.409/2021 of Aryanad Police Station for having allegedly committed the offences punishable under Sections 363 and 395 of the I.P.C.

3. The prosecution case, in brief, is that on 09.02.2021 at about 1.30 PM, the applicant and the rest of the accused allegedly abducted the de facto complainant while he was coming on his autorickshaw and went to Kattakada and took possession of the autorickshaw and thus committed robbery and the offence alleged against him. The crime was registered and the applicant was arrested on 13.03.2021 and has been in custody since then.

4. The applicant states that he and the other accused are all staff of M/s Fortune Integrated Finance Company Ltd., which had financed the purchase of the autorickshaw owned by the de facto complainant and because he defaulted payment of the instalments, it was

seized in accordance with the agreement

other crime, and therefore, seeks regular bail.

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

6. The learned Public Prosecutor admits that the

applicant has no other criminal antecedents. The main allegation against the applicant and the rest of the accused is that they had repossessed the autorickshaw,

which was bought on hire purchase finance

consequence of the default payment of the instalment, there are legal methods for repossessing it. But instead of resorting to that legal means of repossessing the vehicle, they allegedly kidnapped the de facto complainant along with his autorickshaw and stole the autorickshaw and in consequence of that the crime was registered. But in view of the fact that the applicant has no criminal antecedents and that the autorickshaw has already been recovered and only minor injuries were caused to the de facto complainant, further detention of the applicant may not be necessary. As a result, the bail application is allowed and the applicant is directed to be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only), with two solvent sureties each for the like amount to the satisfaction of the jurisdictional court, on the following other conditions:

i) He shall appear before the investigating officer as and when called for and shall cooperate with the investigation; ii) He shall not attempt to influence or intimidate the witnesses; and iii) He shall not get involved in similar offences during the currency of the bail. In case of breach of any of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional Court.
Sd/- ASHOK MENON dkr JUDGE

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