

Mithun vs State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1642753

Court : Kerala Orders

Decided On : Jun-28-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./4550/2021

Appellant : Mithun

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY, THE 28TH DAY OF JUNE 2021 / 7TH ASHADHA, 1943 CRIME NO.535/2020 OF KUTHUPARAMBA POLICE STATION, KANNUR DISTRICT PETITIONER/ACCUSED NO.5: MITHUN AGED 27 YEARS S/O. PADMANABAN K, AGED 27 YEARS, KUTHUPARAMBA, KANNUR DISTRICT, PIN-670 701 BY ADVS. P.K.VARGHESE P.S.ANISHAD RESPONDENTS/COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA 2 JINEESH P, S/O. BHASKARAN, RAJEESH BHAVAN, KARIYIL, MANGATTIDAM, KUTHUPARAMBA, KANNUR DISTRICT. BY ADV.SMT. SREEJA V., PUBLIC PROSECUTOR THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 28.06.2021,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

The petitioner, who is the 5th accused in Crime No.535/2020 of Kuthuparamba police station, has approached the Court under Section 438 of the Cr.P.C.

2. The allegations against the petitioner and others are punishable under Sections 143, 147, 148, 323, 324, 326 and 307 IPC read with Section 149 IPC and also Sections 3 and 5 of the Explosive Substances Act.

3. I heard the learned counsel for the petitioner and also the learned Public Prosecutor.

4. The alleged incident had happened on 27.02.2020.

The learned counsel for the petitioner submits that the petitioner had not used any weapon of offence, nothing is recoverable from him and therefore, he pressed for granting anticipatory bail.

5. These submissions have been rebutted by the learned Public Prosecutor. According to the Public Prosecutor, -3- the petitioner had also used weapons of offence against the defacto complainant and therefore, his custodial interrogation is necessary. After going through the records, I am also not convinced

that the petitioner can be granted anticipatory bail. Records indicate that the petitioner and other gang had, in prosecution of the common object of an unlawful assembly and armed with deadly weapons and explosive substances attacked and injured the defacto complainant and his friends. The nature of the allegations do not prompt this Court to grant him any relief. He is not entitled to get any relief. However, if the petitioner surrenders before the investigating officer, his arrest, if any, shall be recorded and further proceedings shall be taken with utmost expedition.

The petition is disposed of. Sd/- K.HARIPAL JUDGE nkr/29.06.21

