

Nishad vs State of Kerala

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Court : Kerala Orders

Decided On : Aug-02-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./4694/2021

Appellant : Nishad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL MONDAY, THE 2ND DAY OF AUGUST 2021 / 11TH SRAVANA, 1943 IN CRIME NO. 539 OF 2020 OF NILAMBUR POLICE STATION, MALAPPURAM DISTRICT PETITIONER/ACCUSED: NISHAD AGED 25 YEARS MANCHEERI HOUSE, CHERUKARA POST., PERINTHALMANNA POST, CHERUKARA VILLAGE MALAPPURAM, PIN - 679340 BY ADV V.JOHN SEBASTIAN RALPH RESPONDENT/: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADV PUBLIC PROSECUTOR SR.PP - SMT. SREEJA V. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.08.2021, THE COURT ON THE SAME

DAY DELIVERED THE FOLLOWING:

ORDER

Petitioner is the 6th accused in Crime No. 539 of 2020 of Nilambur police station in Malappuram district, which was initially registered alleging offence punishable under Sections 457, 435, 436, 120(B) read with Section 34 of the IPC. Later, Section 308 of the IPC was also incorporated. It is alleged that, the accused persons, in furtherance of their common intention, had trespassed into the residential house of the defacto complainant and set fire to a Toyota Qualis car and Mahindra jeep kept in the shed and caused loss of Rs.5,50,000/- to the defacto complainant.

2. I heard the learned counsel for the petitioner and also the learned Public Prosecutor.
3. The learned Public Prosecutor has filed a statement also opposing the bail application.
4. According to the learned counsel, the petitioner was no where in the picture, he has been falsely implicated. He also claims that he does not have criminal antecedents.
5. The learned Public Prosecutor was requested to file a

statement by the Inspector, Station House Officer. Accordingly a statement has been filed, indicating that, he has four other cases to his credit. That is, Crime Nos.41 of 2020 under Sections 447 and 427 read with 149 of the IPC, Crime 65 of 2020 under Sections 447, 435 and 427 of the IPC, and Crime 256 of 2020 all in Pookkottumpadam police station under Sections 143, 147, 447, 427 read with 149 of the IPC and Crime No. 176 of 2020 under Section 324, 447 read with 149 of the IPC of Pandikkad police station. That means there is one case before in which

mischief by fire is alleged against the petitioner .

6. The application has been strongly opposed by the

learned public Prosecutor. According to her, the mischief was committed by the petitioner and the 6th accused on the basis of the instructions given by the accused Nos. 1 to 4. In other words, they were acting on behalf of the accused Nos. 1 to 4. Accused Nos.1 to 4 were granted anticipatory bail. But having regard to the fact that, the actual act of mischief was committed by the petitioner and another on record and having regard to the criminal antecedents, I am not inclined to grant discretionary relief of anticipatory bail to the petitioner and the application is dismissed.

7. At this stage, the learned counsel for the petitioner says

that the petitioner is prepared to surrender before the Investigating officer. In that case his case shall be dealt with utmost expedition. Bail Application is dismissed.

Sd/- K.HARIPAL JUDGE RMV/02/08/2021

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