

Ancil vs State of Kerala

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Court : Kerala Orders

Decided On : Jun-29-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./4979/2021

Appellant : ANCIL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. TUESDAY, THE 29TH DAY OF JUNE 2021 / 8TH ASHADHA, 1943 BAIL APPL. NO. 4979 OF 2021 CRIME NO. 47 OF 2021 OF KOLLAM ANCHALUMMOODU POLICE STATION PETITIONER/ACCUSED NO. 1: ANCIL AGED 26 YEARS S/O. ANTONY, THOTTATTIL CHIRAKARODUVEEDU, KUREEPUZHA CHERRY, THRIKADAVOOR VILLAGE, ANCHALUMMOODU KOLLAM. BY ADV C.S.SUMESH RESPONDENTS/COMPLAINANT/STATE: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA 682 031. 2 THE INSPECTOR OF POLICE ANCHALUMMOODU POLICE STATION, KOLLAM 691 601. OTHER

PRESENT: C.N.PRABHAKARAN -SR.P.P THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.06.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 29th day of June, 2021 Application for regular bail.

2. The petitioner is the 1st accused in

Crime No. 47 of 2021 of Anchalammoodu Police Station registered for the offences punishable under Sections 447, 294(b), 323, 324 and 326 read with Section 34 of Indian Penal Code.

3. The prosecution allegation is that

on 02.02.2021 at about 10.30 p.m., this petitioner along with the other accused had trespassed into the residential house of the defacto complainant with the intention to assault him, abused him in filthy language and wrongfully restrained him and assaulted with deadly weapons and caused grievous injuries to him including fracture. When the wife of the defacto complainant intervened to rescue him, she was also assaulted by this petitioner and the other accused and caused injuries to her. Thereby, the accused have committed the aforesaid offences.

4. Of course, the petitioner is in custody since 05.02.2021. But now the investigation of the case is over and charge sheet has been filed before the court concerned on 09.03.2021 itself.

5. According to the learned counsel for

the petitioner, he is totally innocent, but he has been falsely implicated in the case and as he is undergoing incarceration right from the date of his arrest, this application for his release on bail.

6. This application is vehemently opposed by the learned Public Prosecutor pointing out the

criminal antecedents of the petitioner. The order

of the court below itself reflects the total number of cases in which the petitioner is an accused. In fact there are 13 cases against him and no doubt that itself shows that he is a habitual offender. That be so, granting of bail to him will definitely cause hindrance to the trial of the case. He has even been convicted in one or two cases as pointed out by the learned Public Prosecutor.

7. As the petitioner is having such a

criminal background, the possibility of intimidating the witnesses to the prosecution cannot be ruled out. So also, there is every chance to repeat similar offences in future. Considering all these facts, I think that the petitioner is not entitled to be enlarged on bail though the investigation of the case is over and final report has been filed. Hence, dismissed. Sd/-
SHIRCY V JUDGE

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