

Athul vs State of Kerala

Athul vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1655477

Court : Kerala

Decided On : Jul-30-2021

Judge : Honourable Mr. Justice K.Haripal

Appeal No. : Bail Appl./5520/2021

Appellant : ATHUL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE K.HARIPAL FRIDAY, THE 30TH DAY OF JULY 2021 / 8TH SRAVANA, 1943 IN CRIME NO. 526 OF 2021 OF NEDUMBASSERY AIRPORT POLICE STATION PETITIONER/1ST ACCUSED: ATHUL AGED 30 YEARS SON OF MOHANAN, ANUMODAYA HOUSE, NILAMBOOR, CHATHAMUNDAKARA, CHUNGATHARA, MALAPPURAM DISTRICT MALAPPURAM, PIN - 679334 BY ADVS. K.RAJESWARY ANIL PRABHA.K RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 (ON BEHALF OF THE STATION HOUSE OFFICER, NEDUMBASSERY POLICE STATION) BY ADV

PUBLIC PROSECUTOR PP - SMT. SREEJA V. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Petitioner is the 1st accused in Crime No.526 of 2021 of Nedumbassery Airport police station, which was registered on 08.07.2021 alleging offence punishable under Sections 465, 471 and 399 of the IPC.

2. The learned counsel for the petitioner submits that, the petitioner was arrested on 8.07.2021 and for the last 23 days he is in judicial custody. He is a native of Malappuram district, that he

has no criminal antecedents. His vehicle was hired by other accused persons and during the travel, the vehicle broke down at Kunnamkulam. Thereafter, he was made to drive a rented car. That was how he had come to the place of occurrence, he has no connection whatsoever with the gang or their activities. According to the learned counsel, custodial interrogation of the petitioner is over. Accused Nos. 2, 3 and 5 have already been arrested. So she pleaded for the release of the petitioner.

3. On the other hand, the learned Public Prosecutor has

seriously opposed the application. According to her, petitioner is the leader of a gang. A WhatsApp group was functional and the petitioner was the admin of that group; he is the leader of a racket.

On 08.07.2021, accused were found on the side of the road, awaiting someone coming from the airport, with the intention of committing robbery of hawala money carried by them. Accused Nos. 1 to 3 were found together and were arrested. They were moving in a a swift car, bearing Registration No. KL-07-CD-0919 which was also seized. But on enquiry, it was found that fake number was exhibited on the real number plate of the vehicle. From that itself, the malicious intention of the accused persons could be brought out. Further investigation indicates that, the petitioner and others are part of a larger group, who were waiting for committing robbery. Investigation is only at the initial stage and two more accused are

remaining to be arrested.

4. After hearing counsel on both sides, I am not convinced that the petitioner can be released on bail at this stage. From the statement of the learned Public Prosecutor, it seems that very many aspects remain to be unearthed. If the petitioner is released on bail at this stage, smooth investigation of the case would be prejudiced. Therefore, the application lacks merits and is liable to be dismissed. Dismissed.

Sd/- K.HARIPAL JUDGE RMV/30/07/2021

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com