

Prejith Kumar vs State of Kerala

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Court : Kerala Orders

Decided On : Jul-30-2020

Judge : Honourable Mr. Justice Ashok Menon

Appeal No. : Bail Appl./4178/2020

Appellant : Prejith Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ASHOK MENON
THURSDAY, THE 30TH DAY OF JULY 2020 / 8TH SRAVANA, 1942
CRIME NO.168/2019 OF Nedumangad Police Station ,
Thiruvananthapuram PETITIONER/S: PREJITH KUMAR AGED 31
YEARS S/O.PRABHA KUMAR, RESIDING AT PRABHALAYAM,
KOLLAM WEST VILLAGE, THIRUMULLAVARAM P.O., KOLLAM
DISTRICT - 691 012. BY ADV. SRI.S.SREEKUMAR (KOLLAM)
RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031. 2 THE STATION HOUSE OFFICER NEDUMANGAD
POLICE STATION, THIRUVANANTHAPURAM. R1 BY PUBLIC

PROSECUTOR OTHER PRESENT: SRI. C.N.PRABHAKARAN SR PP
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.07.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

Dated this the 30th day of July 2020 Application for anticipatory bail under Section 438 Cr.P.C. The applicant is the 1st accused in Crime No.168 of 2019 of Nedumangad Police Station, Thiruvananthapuram, for having allegedly committed offences punishable under Sections 143, 147, 148, 149, 452, 436, 427 r/w Section 34 of the Indian Penal Code.

2. The prosecution case in brief is thus: On

05.02.2019 at about 10 p.m., 8 identifiable persons allegedly trespassed into the residence of the defacto complainant with the intention to commit murder, armed with deadly weapons like swords and committed riot. The defacto complainant was not available in his house at that point in time. Annoyed by not being able to accomplish their motive, the accused set fire to his house, and Bullet motor cycle parked in the compound, causing a loss of Rs.50 Lakhs to him.

3. It is stated that the applicant was employed abroad and started some business with the defacto complainant. The defacto complainant allegedly betrayed him by giving some information to the police in consequence of which the friends of the applicant got arrested. Annoyed with that, in

retaliation, the applicant had hired the co-accused persons for murder of the defacto complainant. However, no offence under Section 307 or for conspiracy under Section 120B has been incorporated. Nevertheless, the allegations would indicate that the applicant had very resolute intentions of causing harm to the defacto complainant and had caused a huge loss to him. The accused 2 to 7, 12 and 13 were arrested and granted regular bail. The 1 st accused had gone abroad and therefore, could not be arrested. Accused 10 and 11 are yet to be identified. Certain weapons will have to be recovered. The learned Public Prosecutor has

therefore, serious objection of granting pre-arrest bail to the applicant because he has to be subjected to custodial interrogation to know regarding the details of how the incident was planned by him.

4. Considering the gravity of the offence, the applicant is not entitled to the remedy of a pre-arrest bail in this matter. In the result, he is directed to surrender before

the Investigating Officer within one month, and after interrogation and recovery and arrest, he shall be produced before the jurisdictional court, where he is at liberty to apply for a regular bail, which shall be considered and preferably disposed of on the very same day. With these observations, the Bail Application is disposed of. Sd/- ASHOK MENON JUDGE dxy

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