

Rahul vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-31-2019

Judge : Honourable Mr. Justice Sunil Thomas

Appeal No. : Bail Appl./305/2019

Appellant : RAHUL

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS
THURSDAY ,THE 31ST DAY OF JANUARY 2019 / 11TH MAGHA, 1940
AGAINST THE ORDER IN CMP 3960/2018 of JUDICIAL MAGISTRATE
OF FIRST CLASS - I, KARUNAGAPPALLY CRIME NO. 1822/2018 OF
KARUNAAGAPALLY POLICE STATION , KOLLAM
PETITIONERS/ACCUSED NO.1 & 4: 1 RAHUL, AGED 25 YEARS
S/O.BABU, ADHINAD THEK, KATTIKADAV P.O., KARUNAGAPPALLY.
2 ARUN, AGED 22 YEARS S/O.SURESH, ARUN BHAVANAM,
ALLAPAD P.O., ALLUMKADAV, KARUNAGAPALLY. BY ADV.
SRI.M.R.SASITH RESPONDENT/S: 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM - 682 031. 2 THE SUB INSPECTOR KARUNAGAPPALLY POLICE STATION, KOLLAM - 690 004. SR.PP C.K SURESH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.01.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are accused Nos.1 and 4 in Crime No.1822/2018 of Karunagappally Police station, Kollam District, for offences punishable under sections 143, 147, 148, 450, 427, 341, 323, 324, 326, 307 and 395 of IPC and section 27 of Arms Act.

2. The allegation of the prosecution is that on

26.11.2018 at 11.45 pm., the petitioners along with two other persons trespassed into a bar after it was closed and attacked the staff of the bar, who was counting the currency notes. They forcefully took Rs.50,000/- (Rupees fifty thousand only) and the first accused inflicted injuries

on the defacto complainant with sword. The second petitioner, who is arrayed as the fourth accused sprayed pepper powder on the face of the defacto complainant. All the remaining accused also joined in attacking the defacto complainant. The petitioners were arrested on 31.12.2018 and are in custody since then. They seek bail.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they are not involved in the above crime.

4. It seems that the allegations against the

petitioners are very serious. It is also reported by the learned Public Prosecutor that the first petitioner has criminal antecedents and is involved in four other criminal cases. Considering the nature of allegations, the mode of executing it and the manner in which it was executed, I am not inclined to grant bail to the petitioners at present. Bail application fails and is dismissed.

Sd/- SUNIL THOMAS, JUDGE R.AV //True Copy// PA to Judge

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