

Jijo @Karumbuse vs State Of Kerala on 4 November, 2020

Author: Ashok Menon

Bench: Ashok Menon

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

WEDNESDAY, THE 04TH DAY OF NOVEMBER 2020 / 13TH KARTHIKA, 1942

Bail Appl..No.6922 OF 2020

CRIME NO.35/2020 OF Ollur Police Station , Thrissur

PETITIONER/S:

- 1 JIJO @KARUMBUSE
AGED 37 YEARS
THENGINAL HOUSE, KACHERYDESOM, NADATHARA,
THRISSUR 680751
- 2 NINO @ NAIMAR
AGED 30 YEARS
PONNOKKARAN HOUSE, PALLAN COLONY, PALLAN
COLONY, ANCHERY, NADATHARA,
THRISSUR
680751

BY ADV. SRI.MANSOOR.B.H.

RESPONDENT/S:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
682031

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SRI.AJITH MURALI -PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
04.11.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Bail Appl..No.6922 OF 2020

ON

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O R D E R

Dated this the 4th day of November 2020 Application for regular bail under Section 439 of Cr.P.C. The applicants are accused Nos.1 and 3 in CP No.10/2020 pending committal proceedings before the Judicial First Class Magistrate-III, Thrissur, which arose from Crime No.35/2020 of Ollur Police station for having allegedly committed offences punishable under Sections 143, 147, 148, 324, 341, 323, 294(b), 308, 506 r/w Section 149 of IPC.

2. The prosecution case, in brief, is that on 18.10.2019 at about 8.30 p.m., owing to the previous enmity towards the de facto complainant and others, the applicants and other co-accused wrongfully restrained the de facto complainant and attacked him with dangerous weapons and also poured petrol and tried to set him ablaze by lighting a match stick and had it happened, it would have resulted in his death. The applicants were earlier released on bail on certain conditions and they did not abide by the conditions and got involved in several crimes and hence on request made by the prosecution, their bails were cancelled. They applied for bail again before the Judicial Magistrate, but the same was dismissed. Committal proceedings are almost complete and it has to be committed before the court of Sessions for trial. The applicants contend that the matter has been settled with the de facto complainant and they had also filed CrI.M.C to quash the proceedings under Section 482 of Cr.P.C. But considering the criminal antecedents of the applicants, the petition for quashing the proceedings is still pending and has not yet been allowed. In view of the fact that the de facto complainant has settled the matter, there is no harm in granting bail to them in this case.

3. Heard the learned counsel for the applicants and the learned Public Prosecutor.

4 The learned Public Prosecutor has very serious objections about the granting of bail to the applicants, considering their antecedents. The 1st applicant is involved in 27 other crimes while the 2nd applicant is involved in 11 other crimes. They belong to a gang involved in several criminal activities in the district of Thrissur. They have also involved in several cases of attempt to murder, and robbery. Considering their antecedents, the application for bail was rejected by the jurisdictional court.

5. I also find that the applicants are not at this stage of committal entitled to bail. However, after the matter is taken on the file of the Sessions Court for trial considering the time that may be taken for completing the trial, the applicants are at liberty to apply for bail afresh before the trial court.

With these observations, the bail application is dismissed.

SD/-

ASHOK MENON JUDGE rmm