
(2022) 11 KL CK 0264

In the High Court Of Kerala

Case No : Bail Application No. 9184 Of 2022

Shameer @ Bombay Shameer

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 23-11-2022

Acts Referred:

Code of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 394, 411

Citation : (2022) 11 KL CK 0264

Hon'ble Judges : Bechu Kurian Thomas, J

Bench : Single Bench

Advocate : Naveen Radhakrishnan, Noushad K.A

Final Decision : Allowed

Judgement

Bechu Kurian Thomas, J

1. This is an application seeking regular bail filed under Section 439 of the Code of Criminal Procedure, 1973.

2. Petitioner is the 3rd accused in Crime No.862/2022 of Medical College Police Station, Thiruvananthapuram District. The offences alleged against the petitioner are under Sections 394 and Section 411 r/w Section 34 of the Indian Penal Code. 1860.

3. The prosecution case is that on the basis of the pre-concerted plan, 1st and 2nd accused took the motorcycle belonging to the 3rd accused on 09.07.2022 and after assaulting the defacto complainant, snatched her gold chain weighing 54.89 grams and handed over the said chain to the 3rd accused and later, they pledged the gold chain in the name of the petitioner, and after three days, petitioner redeemed the pledged gold and sold it and thereafter the accused together misappropriated the consideration received, and thereby committed the offences alleged.

4. Sri.Naveen Radhakrishnan, learned Counsel for the petitioner contended that the entire prosecution allegations are false and the incident as alleged had never occurred. It was further submitted that petitioner was falsely roped in as an accused in the crime. In any event, considering the period of detention already undergone from 25.09.2022, it was submitted that, further detention is not essential, especially since the final report has already been filed.

5. Sri.K.A.Noushad , learned Public Prosecutor opposed the grant of bail and contended that petitioner is involved in 20 other crimes and if he is released on bail, he will commit further crimes.

6. I have considered the rival contentions.

7. Even though the allegations against the petitioner are serious, and he is involved in 20 other crimes, it is upon the Investigating Officer to approach the appropriate court for cancellation of bail in those cases, where bail has already been granted, if the circumstances warrant. However, considering the period of detention already undergone, I am of the view that petitioner ought to be released on bail.

In the result, this application is allowed on the following conditions:-

(a) Petitioner shall be released on bail on him executing bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the court having jurisdiction.

(b) Petitioner shall co-operate with the trial of the case.

(c) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he attempt to tamper with the evidence .

(d) Petitioner shall not commit any similar offences while he is on bail.

(e) Petitioner shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.