

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 31ST DAY OF MAY 2019 / 10TH JYAISHTA, 1941

Bail Appl..No. 3427 of 2019

AGAINST THE ORDER/JUDGMENT IN CRMC 738/2019 of DISTRICT COURT &
SESSIONS COURT, THALASSERY

CRIME NO. 360/2018 OF Kelakom Police Station , Kannur

PETITIONER/ACCUSED NO.1:

SREEJITH.K.K
AGED 38 YEARS
S/O. RAJENDRAN, PUTHALATH HOUSE,
MANATHANA P.O, THALASSERY TALUK,
KANNUR DISTRICT, PIN-670674.

BY ADV. SRI.P.S.BINU

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM, PIN-682031.

SMT.V.SREEJA, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.05.2019,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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ORDER

The petitioner is the 1st accused in crime No.360/2018 of Kelakom Police Station registered for the offences punishable under Sections 143, 147, 452, 341, 506(i), 332, 353 and 225 read with Section 149 IPC.

2. The prosecution allegation is that on 04.09.2018 at about 6.45 a.m, the petitioner and the other accused formed themselves into an unlawful assembly, armed with deadly weapons, committed rioting and trespassed into Kelakom Police Station and wrongfully restrained the Police personnel on duty and thereafter, the petitioner and the other accused forcefully rescued one Joyal Njondikkal from the Police Station, who was arrested and kept in the police station, in connection with crime Nos.334/2018 and 341/2018 of that police station. By doing so, the petitioner and the

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other accused caused injuries on police personnel, who were on duty and thereby they restrained them from discharging their official duty.

3. The petitioner has filed this application under Section 438 Cr.P.C.

4. Heard.

5. The learned Public Prosecutor has opposed the application. It has been submitted that the petitioner is also involved in another offence of more or less the same nature. The offence alleged against the petitioner appears to be very grave in nature. The act of attacking the police and rescuing the accused kept in the Police Station cannot be lightly viewed. Considering the nature of allegations, I am satisfied that if the petitioner is granted the relief under Section 438 Cr.P.C., there is likelihood that the petitioner will exceed the liberty on bail. Considering the nature and gravity of the offences alleged against the petitioner, I am of the view that this

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is not a fit case, where an order under Section 438 Cr.P.C. in favour of the petitioner will be justified.

In the result, this application stands dismissed.

However, the petitioner is directed to surrender before the Investigating Officer within ten days.

Sd/-

B.SUDHEENDRA KUMAR

JUDGE

Nkr/31.05.19