
(2021) 01 KL CK 0545

High Court Of Kerala

Case No: Bail Application No. 7965 Of 2020

Mohamed Riyas

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision: Jan. 22, 2021

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 438#Indian Penal Code, 1860 " Section 34, 308, 323, 324, 326, 341

Citation: (2021) 01 KL CK 0545

Hon'ble Judges: Ashok Menon, J

Bench: Single Bench

Advocate: E.A. Haris, Santhosh Peter

Final Decision: Disposed Of

Judgement

1. This is an application for anticipatory bail under Section 438 of the Cr.P.C.
2. The applicant is the 3rd accused in Crime No.354/2020 of Nilambur Police Station for having allegedly committed the offences punishable under Sections 341, 323, 324, 326 and 308 read with Section 34 of the I.P.C.
3. The prosecution case, in brief, is that on 02.07.2020 at about 7.30 PM, owing to prior enmity towards the de facto complainant's nephew named Favad, the applicant in furtherance of common intention with the remaining accused, wrongfully restrained him and assaulted him by means of dangerous weapons like iron pipe causing fracture to his finger and legs and thus attempted to commit culpable homicide.

4. The applicant submits that he is innocent and the allegations are not true, and therefore, seeks pre-arrest bail.

5. Heard the learned Counsel for the applicant and the learned Public Prosecutor.

6. The learned Public Prosecutor points out that the applicant is a person having criminal antecedents and moreover he should have to be subjected to

interrogation for the purpose of recovery and hence he may not be granted anticipatory bail.

7. After having heard the submissions on both sides and on perusal of the records, I find that this is not a fit case for granting the exceptional remedy

of anticipatory bail. Therefore, the application is disposed of with a direction to the applicant to surrender before the investigating officer within two

weeks. In the event of his being arrested, after interrogation and recovery, if any, he shall be produced before the jurisdictional court, where he is at

liberty to apply for regular bail, which shall be considered and disposed of preferably on the very same day.