

IN THE COURT OF SESSION, KOTTAYAM

Present : Sri.N. Harikumar, Sessions Judge

Tuesday, the 18th day of October, 2022
26th Aswina, 1944

Criminal M.P. No.2360/2022

(Crime No.675/2022 of Melukavu Police Station)

Petitioner :

Sudhi Minraj, aged 22 years,
S/o. Rajappan,
Ambalathara House,
Athirampuzha P.O.,
Kottayam.

By Advocate Sri.T.K. Sureshkumar

Respondents :

1. State of Kerala, rep. by
Public Prosecutor, Kottayam.
2. Station House Officer of Police,
Melukavu.

By Public Prosecutor Sri.Sunny George Chathukulam

Petition filed under Section 439 of the Code of Criminal Procedure.

This Crl.M.P. having been finally heard on 17.10.2022 and the Court on 18.10.2022 passed the following :

ORDER

The above numbered petition is for regular bail under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the fifth accused in Crime No.675/2022 of Melukavu Police Station. The offences alleged against the petitioner are punishable under Secs.120B, 452, 436, 427, 506(i) and 212 r/w.Sec.34 of the Indian Penal Code.

3. The allegation is that, on 16.07.2022, at 12.30 a.m., the petitioner, along with other accused persons in the crime, had trespassed into the residential building of the defacto complainant and destructed a car bearing registration No.KL-35K-0924 and a motor cycle bearing registration No.KL-35G-0819, which were parked in the porch and thus had caused loss to the tune of Rs.2,01,050/- to the defacto complainant. The petitioner was arrested on 18.07.2022 and since then, he has been in judicial custody.

4. The learned counsel appearing for the petitioner submits that, the petitioner was arraigned in this case as an afterthought, after having lodged F.I.R. against three unknown persons only. That, the investigation being practically completed, detention of the petitioner is no longer required and that, the petitioner is ready to co-operate

with the investigation and to abide by any condition imposed by this Court.

5. On the other hand, the learned Public Prosecutor opposed the bail application submitting that, the petitioner is a habitual criminal and hence, if enlarged on bail, he may get involved in similar offences and also may interfere with the investigation of the case.

6. Perused the report submitted by the Investigating Officer.

7. The statement of the defacto complainant is to the effect that, in the early morning, that was at 12.30 a.m., on 16.07.2022, a group of people had trespassed into her residence and set fire to a motorcycle and a car parked in the porch and in addition that, she was intimidated, her household articles were destroyed and the house was vandalized by the assailants and thus had caused loss to the tune of Rs.2,01,050/- to her.

8. The report of the Investigating Officer shows that, the petitioner has also been involved in four other criminal cases alleging commission of serious offences. The other accused persons are also reported to be having got involved in a number of criminal cases.

9. The antecedents of the petitioner would show that, he is not a law abiding citizen. As per the report of the Investigating Officer,

the investigation is completed and final report is laid before the jurisdictional Court. The apprehension raised by the Investigating officer is that, if enlarged on bail, the petitioner may again get involved in the commission of serious offences associated with habitual criminals.

10. Having considered the nature of the allegations and the criminal antecedents of the petitioner and also taking into account of the report submitted by the Investigating Officer, I am of the view that, enlarging the petitioner on bail will not only affect the trial of the case, but also, he may get involved in the commission of serious offences. Therefore, I am not inclined to allow this petition.

In the result, the petition stands dismissed.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 18th day of October, 2022.

**Sd/-
N. Harikumar,
Sessions Judge.**

Copied by:

Compared by:

**Copy of ORDER in
Crl. M.P. No.2360/2022
Dated : 18.10.2022**