

In the Court of Sessions, Palakkad Division
Present: Smt. K.P.Indira, B.A., LL.B., Sessions Judge
Friday, the 08th day of November, 2019/ 17th day of Karthika, 1941 S.E.
Criminal Miscellaneous Case No. 3497/2019
In Crime No. 289/2019 of Kalladikkode Police Station

Petitioner/Accused :

Muhammed Sabir, aged 19 years, S/o. Asharaf, Meledath House, Chenthandu, Machamthode, Thachambara Post, Mannarkkad.

Vs:

Respondent/Complainant :

State - rep. by Circle Inspector of Police, Kalladikkode Police Station.

This petition is filed u/s. 439 of Cr.P.C. by the petitioner/accused in Crime No. 289/2019 of Kalladikkode Police Station, praying that in the circumstances stated therein, this court may be pleased to release him on bail.

This application is coming on this day for orders, upon perusing the petition and after hearing Sri.T.U.Shaik Abdulla, Advocate for the petitioner and the Public Prosecutor on behalf of the state and this court passed the following:-

ORDER

This plea for regular bail u/s 439 of Cr.P.C. is moved by the petitioner/A1 in Crime No.289/2019 of Kalladikkode Police Station initially registered for the offence punishable u/s 302 of the Indian Penal Code to which on detailed probe Sec.341,324 and 201 of IPC stood added.

2. The prosecution case is that on 15.09.2019 at around 10.00 p.m. the petitioner picked up a quarrel with the brother of the defacto complainant in respect of some money transaction between them and in the drunken brawl, the petitioner killed him by stabbing on his chest and back of left thigh with a knife having wrongfully restrained him intentionally. It is further alleged that the co-indictee no.2 removed the blood stained sand from the crime spot and thereby caused disappearance of evidence.

3. The petitioner is nabbed in connection with this case and produced before the court on 17.09.2019 and he remains in judicial custody since then.

4. The bail plea is very seriously opposed by the learned Prosecutor.
5. Heard both sides and examined the case diary and the factual report made available by the prosecution for perusal.
6. The petitioner pleaded innocence and contended false implication.
7. The investigation inputs reveal that the petitioner/A1 has brutally stabbed the victim in a brawl between the deceased and himself and caused his instantaneous death. The crime is severe and vicious in nature and the Cops are in their drive of meticulous probe. There are strong prima facie elements connecting the petitioner with the offence alleged.
8. Reckoning the nature of the offence and the early stage of the probe, the petitioner is not entitled for bail, disregarding the number of days of detention he had undergone. His plea is thus liable to fail and it is upturned.

In the result, the petition stands dismissed.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court on this the 08th day of November, 2019.

Sd/-
Sessions Judge.

Typed by:Radhika.K.
Compared by:P.Unnikrishnan
Copy ready on: 12.11.19