

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Crl.Rev.Pet.No. 1439 of 2015 ()

CMP 4960/2015 OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT-III, PALAKKAD
CRIME NO. 1255/2015 OF TOWN SOUTH POLICE STATION, PALAKKAD

REVISION PETITIONER/RESPONDENT:

NITHEESH,
S/O. BHASKARAN, AGED 22 YEARS,
OTTUPARA, OLIMKADAVU P.O,
MANGALAM DAM (VIA), PALAKKAD DISTRICT.

BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT/PETITIONER AND STATE:

STATE OF KERALA
REP. BY ADDITIONAL SUB INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION, THROUGH PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

R BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 11-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

Crl.R.P. No.1439 of 2015

Dated this the 11th day of November, 2015

ORDER

The revision petitioner is the accused in Crime No.1255 of 2015 of Town South Police Station, Palakkad, registered under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 IPC.

2. The revision petitioner was granted bail by the court below in the above crime. At the time of granting bail, the court below imposed a condition that the revision petitioner should not get involved in any other similar offence during the period of bail. However, thereafter, the revision petitioner was involved in Crime No.1380 of 2015 of Town South Police Station, Palakkad, registered under Sections 143, 147, 148, 323 and 324 r/w Section 149 IPC. In the said circumstances, the respondent filed C.M.P.No.4960 of 2015 before the court below, praying for cancellation of the bail. The court below, after issuing notice to the revision petitioner and after hearing

both sides, cancelled the bail. Aggrieved by the said order, this revision petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. It is not disputed that the revision petitioner is an accused in Crime No.1255 of 2015 of Town South Police Station, Palakkad, registered under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 IPC. It is also not disputed that one of the conditions imposed by the court while granting bail to the revision petitioner in the above said crime was that the revision petitioner should not commit similar offence while on bail. However, the revision petitioner was subsequently involved in Crime No.1380 of 2015 of Town South Police Station, Palakkad, registered under Sections 143, 147, 148, 323 and 324 r/w Section 149 IPC.

5. The learned counsel for the revision petitioner has argued that the learned magistrate should have satisfaction before cancelling the bail under Section 437 (5) Cr.P.C. and

since the learned magistrate did not have any such satisfaction, the order impugned cannot be sustained. It appears from the order impugned that the court below had gone through the records in both the above said crimes and the court below was satisfied that the facts in both the cases were almost similar. The petitioner is the second accused in Crime No.1225 of 2015 and the third accused in Crime No.1380 of 2015 mentioned above. Since the petitioner indulged in similar activities violating the condition of the order granting bail, the court below was satisfied that the bail granted to the petitioner should be cancelled and accordingly, the court below cancelled the bail by invoking the provisions of Section 437 (5) Cr.P.C. Having gone through the order impugned, I am fully convinced that the court below passed the order impugned only after considering the materials in detail. Therefore, the argument advanced by the learned counsel for the revision petitioner in this regard cannot be accepted. Having gone through the order impugned, I am

satisfied that the order impugned does not suffer from any infirmity, warranting interference by this Court.

In the result, this revision petition stands dismissed.

However, if the petitioner surrenders before the court below and files any application for bail, after giving the copy in advance to the learned Assistant Public Prosecutor, the court below shall consider and dispose of the application in accordance with law, as expeditiously as possible, preferably on the date of surrender itself.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl.

True Copy

PA to Judge