

Rinzan Vs. State of Kerala

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Court : Kerala

Decided On : Dec-28-2012

Judge : Hon'Ble Mr. Justice Babu Mathew P.Joseph

Appellant : Rinzan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE MR. JUSTICE BABU MATHEW P.JOSEPH FRIDAY, THE 28TH DAY OF DECEMBER 2012 7TH POUSHA 193 Bail Appl..No. 9561 of 2012 () ----- CRIME NO.1692/2012 OF ERAVIPURAM POLICE STATION, KOLLAM DISTRICT PETITIONERS/ACCUSED 1 TO 3.----- 1. RINZAN @ MUHAMMED SHAFFI,, AGED 1 YEARS S/O.NAZEER,PAIMELI PURAYIDAM,HOSPITAL ROAD VADAKKUM BHAGOM,KOLLAM-1.

2. SANOFAR,, AGED 2 YEARS S/O.NAZEER,PAIMELI PURAYIDAM,HOSPITAL ROAD VADAKKUM BHAGOM,KOLLAM-1.

3. TASLIK,, AGED 2 YEARS S/O.MUHAMMEDKUNHU,AMINA MANZIL,VAYALILTHOPPU PALAYATHODU,KOLLAM. BY ADV. SRI.BIJU .C. ABRAHAM RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE

ERAVIPURAMPOLICE STATION,THROUGH PUBLIC PROSECUTOR HIGH COURT OF KERALA,ERNAKULAM. BY PUBLIC PROSECUTOR SRI. P.M. SANEER THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 28-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sp BABU MATHEW P. JOSEPH, J.

----- B.A.No.9561 of 2012 -----

Dated this the 28th day of December, 2012

ORDER

This petition is filed under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned public prosecutor appearing for the respondent. Case Diary produced.

3. The petitioners are accused 1 to 3 in crime No.1692 of 2012 of Eravipuram Police Station. The offences alleged are under Sections 294 (b), 341, 452, 323 and 324 read with Section 34 of the Indian Penal Code. Initially the offence under Section 326 was also incorporated. But, subsequently it was deleted. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. The de facto complainant and the petitioners 1 and 2 are relatives. The investigation of the case has B.A.No.9561 o

2. progressed much. The petitioners have no criminal antecedents. The de facto complainant has not suffered any serious injury. He further submits that the petitioners apprehend arrest by the police at any time.

4. Learned Public Prosecutor has opposed this application. The Case Diary shows that the investigation of the case has progressed much. Learned public prosecutor has not disputed the fact that the de facto complainant has not suffered any serious injury. On considering the facts and circumstances, stage of the investigation and the facts that the de facto complainant has not suffered any serious injury and the de facto complainant and the petitioners 1 and 2 are relatives, this court is of the view that the petitioners can be granted anticipatory

bail imposing appropriate conditions. Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

1) The petitioners shall surrender before the Investigating Officer on or before 08.01.2013. In the event of their arrest, they shall be released on bail on their executing bonds for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two solvent B.A.No.9561 o

3. sureties each for the like sum to the satisfaction of the Investigating Officer.

2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

4) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

5) The petitioners shall not commit any similar offence while on bail.

6) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court. This application is allowed as above. BABU MATHEW P. JOSEPH, JUDGE. DG

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