

Kannan Vs. State of Kerala

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Court : Kerala

Decided On : Dec-19-2012

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Kannan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 19TH DAY OF DECEMBER 2012 28TH AGRAHAYANA 193 Bail Appl..No. 9191 of 2012 () ----- (CRIME NO.1817/12, CHAVARA POLICED STATION, KOLLAM DISTRICT) PETITIONER/ACCUSED: ----- KANNAN, AGED 3 YEARS, S/O.MADASWAMY, SIVAPRAKASHAM PUTHUVAL, PUTHENTHURA P.O., NEENDAKARA, KOLLAM DISTRICT BY ADV. SRI.V.PHILIP MATHEW RESPONDENT/STATE: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: MNS P.BHAVADASAN, J ----- B.A No.9191 of 2012 ----- Dated this the 19th day of December, 2012

ORDER

Based on Annexures 2 and 3, the learned counsel for the petitioner pointed out that the allegation against him which gave rise to Crime No.1817/2012 cannot be true. It is also contended that in order to get over inconvenience caused by the crime against him, the defacto complainant cooked up a story against the petitioner.

2. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and after having perused the records made available, it is felt that it is a fit case where extraordinary jurisdiction needs to be exercised in favour of the petitioner. Accordingly, the petition is allowed as follows: i) The petitioner shall surrender before the Investigating Officer on or before 28.12.2012, who after interrogation shall produce him before the JFCM concerned and on application for bail moved by the petitioner, the learned Magistrate shall release the petitioner on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two solvent sureties for the like sum each to the satisfaction of the said Court. B.A No.9191 of 2012 :

2. ii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts before granting bail. lii) The petitioner shall appear before the Investigating Officer concerned for interrogation as and when required by him until further orders. iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the condition is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law. P.BHAVADASAN Judge ab

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