

O.P.Askar Vs. State of Kerala

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Court : Kerala

Decided On : Dec-19-2012

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : O.P.Askar

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. 9391 of 2012 ()
----- CRIME NO.76/2012 OF PAYYANNUR POLICE STATION, KANNUR DISTRICT ----- PETITIONER/ACCUSED:
----- O.P.ASKAR, S/O.KHALID, AGED 3 YEARS, OLAKKAL PUTHIYAPURAYIL(H), PALAKKODE RAMANTHALI AMSOM. BY ADV. SRI.P.M.HABEEB
RESPONDENT/COMPLAINANT:
----- STATE OF KERALA, REP. BY STATION HOUSE OFFCER, PAYYANNUR POLICE STATION, THROUGH 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: sts P.BHAVADASAN, J.

----- Dated this the 19th day of December 2012

Order The petitioner is the accused in Crime No.76/12 of Payyannur Police Station for having committed the offences punishable under Ss.143, 147, 148, 341, 323, 324, 308, 427 r/w 149 IPC. The petitioner along with the other accused persons, are alleged to have attacked the defacto complainant and caused injuries to him. The learned counsel for the petitioner pointed out that no overt acts as such have been attributed to the petitioner and that he has been in custody from 3.12.2012 onwards. A good part of the investigation must have been completed by now and the continued custody of the petitioner is unnecessary. He, therefore, seeks bail.

2. The learned Public Prosecutor opposed the application and pointed out that the investigation is not yet complete.

3. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records made available for perusal and BA 9391/12 2 considering the nature of allegations against the petitioner, the fact that he has been in custody from 3.12.2012 onwards and therefore, a good part of the investigation must have been completed by now and since no apprehension is raised by the Investigating Agency that the petitioner is likely to abscond if released on bail, his continued custody is unnecessary. The application is accordingly allowed and the petitioner shall be released on bail subject to the following conditions :

1. The petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties for the like sum each to the satisfaction of the JFCM, Payyannur.

2. The learned Magistrate shall ensure the identity of the sureties and the veracity of the tax receipts produced by the sureties, before granting bail to the petitioner.

3. The petitioner shall report before the Investigating Officer on every Friday between 9 am and 11 am, till final report is filed.

4. The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses.

5. If any of the conditions is violated, the bail granted shall stand cancelled and the JFCM concerned on being satisfied BA 9391/12 3 of the said fact, may take such action as available to him in law. P.Bhavadasan, Judge sta BA 9391/12 4

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