

Sreejith Vs. State of Kerala

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Court : Kerala

Decided On : Jan-31-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Sreejith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 31ST DAY OF JANUARY 2013 11TH MAGHA 193 Bail Appl..No. 542 of 2013 ()
----- CRIME NO. 29/2013 OF POOYAPALLY POLICE STATION
, KOLLAM DISTRICT PETITIONER(S)/ACCUSED:
----- SREEJITH, S/O.MADANA MOHAN, AGED 2 YEARS, ROHINI BHAVAN, KUDAVATTOOR P.O.,KOLLAM DISTRICT. BY ADVS.SRI.K.SIJU SMT.CHITHRA.S.BABU RESPONDENT(S):
----- STATE OF KERALA, REPRESENTED BY S.I OF POLICE, POOYAPPALLY POLICE STATION THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss P.BHAVADASAN, J ----- B.A No.542 of 2013 ----- Dated this the 31st day of January, 2013

ORDER

The petitioner is the sole accused in Crime No.29/2013 of Pooyappallay Police Station for having committed offence punishable under Sections 452, 427 and 506(ii) of IPC.

2. The allegation against the petitioner is that on 9.1.2013 at about 1.45 pm. the petitioner trespassed into the house of the defacto complainant and attempted to assault her with a stone and also damaged her Scooter.

3. The petitioner would say that no such incident had taken place. According to him the defacto complainant had borrowed a sum of Rs.15,000/- and he went to the house demanding the said money. The defacto complainant refused to pay the amount and the present complaint has been filed.

4. The learned Public Prosecutor opposed the petition pointing out that investigation is at the initial stage.

5. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and after having perused the records, the claim of the petitioner that he is innocent does not appear to be true. B.A No.542 of 2013 :

2. 6. But considering the nature of allegation against the petitioner, it is felt that extraordinary jurisdiction needs to be exercised in favour of the petitioner. The petition is allowed as follows: i) The petitioner shall surrender before the Investigating Officer on or before 8.2.2013, who after interrogation shall produce him before the JFCM concerned and on an 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. ii) The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts before granting bail. Iii) The petitioner shall report before the Investigating Officer on every Tuesday between 9 am to 10 am 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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