

Rajeevan Vs. State of Kerala

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Court : Kerala

Decided On : Jul-05-2013

Judge : Honourable Mr. Justice Babu Mathew P.Joseph

Appellant : Rajeevan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH FRIDAY, THE 5TH DAY OF JULY 2013 14TH ASHADHA, 1935 Bail Appl..No. 4133 of 2013 ()
----- CRIME NO. 1342/2013 OF KARUNAAGAPALLY POLICE STATION, KOLLAM PETITIONER/ACCUSED NOS. 1 & 2: -----
1. RAJEEVAN, AGED 3 YEARS S/O. RAJENDRAN, ASANTTAZHAKATHU KIZHAKKATHIL, ADINADUTHEKKUM MURI, KATTILKADAVU.P.O., KOLLAM DISTRICT.

2. RAJENDRAN, AGED 5 YEARS ASANTTAZHAKATHU KIZHAKKATHIL, ADINADUTHEKKUM MURI, KATTILKADAVU.P.O., KOLLAM DISTRICT. BY ADVS.SRI.PRATHEESH.P SMT.CHITHRA.S.BABU
RESPONDENT/COMPLAINANT: ----- STATE OF KERALA THROUGH THE S.I. OF POLICE KARUNAGAPPALLY POLICE STATION REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.V.H.JAMSINE THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON 05-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BKA BABU MATHEW P. JOSEPH, J.

----- B.A. No. 4133 of 2013
----- Dated this the 5th day of July, 2013

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 and 2 in Crime No.1342 of 2013 of Karunagappally Police Station. The offences alleged are under Sections 341, 294(b), 324 and 326 r/w Section 34 of the IPC. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case is almost over. In fact, the de facto complainant attacked the 1st petitioner and his mother causing injuries to them for which they have undergone treatment in a hospital. This is evident from Annexures A2 and A3. The de facto complainant and the petitioners are close neighbours. There were some disputes between both the parties and those B.A. No. 4133 of 2013 ..2.. disputes have been amicably settled by them. This case has been registered by the police based on a false complaint preferred by the de facto complainant before the Court. He further submits that the petitioners apprehend arrest by the police at any time.

4. Learned Public Prosecutor has opposed this application. She submits that no criminal antecedents have been reported against the petitioners. Case Diary shows that the investigation of the case has progressed much. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioners, 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 12.07.2013. In the event of their arrest, they shall be released on bail on their executing bonds for 25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer. B.A. No. 4133 of 2013 ..3.. 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 offences 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. Sd/- BABU MATHEW P. JOSEPH, JUDGE bka/- //True copy//
PA to Judge

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