

Anilkumar M. Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Anilkumar M.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 30TH DAY OF JANUARY 2013 10TH MAGHA 193 Bail Appl..No. 519 of 2013 (B) ----- CRIME NO. 1421/2012 OF SASTHAMCOTTA POLICE STATION , KOLLAM APPLICANTS/ACCUSED 1 2 AND 4.----- 1. ANILKUMAR M., AGED 3 YEARS, ANIL BHAVANAM,PUTHANAMPALAM P.O.,IVERKALA-691552.

2. BINU M., AGED 3 YEARS, MURALI VILASAM,PUTHANAMPALAM P.O.,IVERKALA-691552.

3. AKHIL RAVI, AGED 2 YEARS, LEKSHMI MANGALATHU,PUTHANAMPALAM P.O., IVERKALA-691552. BY ADVS.SRI.PIRAPPANCODE V.S.SUDHIR SRI.JELSON J.EDAMPADAM SRI.K.P.ANIL KUMAR (SASTHAMCOTTA) RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF

KERALA, ERNAKULAM (SUB INSPECTOR OF POLICE, SASTHAMCOTTAH POLICE STATION). BY PUBLIC PROSECUTOR SMT LALIZA T Y THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-01-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: LSN P. BHAVADASAN, J.

----- B.A. No. 519 of 2013 -----

- - - - - Dated this the 30th day of January, 2013. ORDER Accusing them that while a temple festival was going on, the petitioners misbehaved with the females who have gathered there and on the intervention of the police men, they got agitated and attacked them, the petitioners were arrayed as accused Nos.1, 2 and 4 in Crime No.1421 of 2012 of Sasthamcotta Police Station for having committed offences punishable under Sections 143, 147, 148, 341 and 332 read with Section 149 I.P.C.

2. The petitioners would say that the allegations are totally false and are without any basis. They would say that there was some exchange of words between the accused and others and there is nothing else. They would say that they are innocent. B.A.519/2013

3. Learned Public Prosecutor opposed the application. It is pointed out that the petitioners have infact manhandled the police.

4. After having heard learned counsel for the petitioners and the learned Public Prosecutor and after having gone through the records, the claim of the petitioners that they are innocent cannot be accepted. However, the petitioners have mentioned that the third accused was arrested and released on bail on the very next day itself. Even though the petitioners cannot be said to be totally innocent, considering the nature of the allegations and other facts and circumstances of the case, it is felt that this is a fit case where the extraordinary jurisdiction needs to be exercised in favour of the petitioners. Therefore, this application is allowed on the following conditions: i) Petitioners shall surrender before the Investigating Officer on or before 6.2.2013, who after interrogation shall produce them before the B.A.519/2013. 3 JFCM court concerned, which court, on applications for bail being moved by the petitioners, shall release them on bail on each of them executing a

bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two solvent sureties each for the like sum each to the satisfaction of the said court. ii) The learned Magistrate may ensure the identity of the sureties and the veracity of the tax receipts produced by the sureties for the purpose of executing the bond. iii) Petitioners shall report before the Investigating Officer every Wednesday between 9 a.m. and 10 a.m. till final report is laid. B.A.519/2013. 4 iv) Petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses. v) If any condition is violated, bail granted to the petitioners shall stand cancelled, and the JFCM concerned may take such steps as are available to him in law. P. BHAVADASAN, JUDGE sb.

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