

Prasad Vs. the State of Kerala

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Court : Kerala

Decided On : Jul-30-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Prasad

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN TUESDAY,THE 30TH DAY OF JULY 2013 8TH SRAVANA, 1935 Bail Appl..No. 5213 of 2013 ()
----- CRIME NO. 1196/2013 OF ALATHUR POLICE STATION, PALAKKAD DISTRICT ----- PETITIONER/ACCUSED :
----- 1. PRASAD S., S/O.SWAMINATHAN, AGED 2 YEARS, KOOLAMUCHI HOUSE, KUNNUMPURAM MELARCODE, ALATHUR, PALAKKAD.

2. ALESIOUS, S/O.GANGADHARAN, AGED 20 THARIKANNI HOUSE, CHITTALANCHERY ALATHUR, PALAKKAD DISTRICT. BY ADV. SRI.K.RAVI (PARIYARATH) RESPONDENT/STATE OF KERALA :
----- THE STATE OF KERALA REP. BY THE SUB INSPECTOR OF POLICE, ALATHUR POLICE STATION THROUGH THE PUBLIC PROSECUTOR HIGH COURT OF KERALA AT ERNAKULAM-682031. BY PUBLIC PROSECUTOR SMT. LALIZA T.Y. THIS BAIL APPLICATION

HAVING COME UP FOR ADMISSION ON 30-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn S.S.SATHEESACHANDRAN, J.

----- B.A No.5213 of 2013

----- Dated this the 30th day of July, 2013

ORDER Petitioners are the accused in Crime No.1196 of 2013 of Alathur Police Station, registered for offences punishable under Sections 452, 294(b) and 506(ii) r/w Section 34 of Indian Penal Code. They have filed the above application seeking pre-arrest bail under Section 438 of Code of Criminal Procedure.

2. Petitioners, former students of an educational institution, it is alleged, after committing criminal trespass upon the staff quarters of that institution, intimidated a staff member occupying that quarters and abused him in obscene language. They also threw away food, and other articles, kept in that staff quarters and damaged the door and window panels of that quarters forcibly pulling and closing them. B.A No.5213/2013 2 Crime registered thereof is pending investigation. Learned counsel for petitioners submits that first petitioner is a reporter of a news paper and second petitioner, area secretary of a student organisation. Allegations of corruption against some officers of the educational institution appeared in news papers including the paper in which first petitioner worked as a reporter, and, then, as a counter blast the case has been framed on false allegations against petitioners, submits the counsel. Relying on some annexures produced with petition, learned counsel attempted to reinforce the above submission.

3. Learned Public Prosecutor has made available the case diary for my perusal. Public Prosecutor also opposed the application contending that arrest and custodial interrogation of petitioners is essential for a fair investigation. Perusing the case diary with reference to the submissions made by counsel on both sides, I find, this is not a fit case where petitioners can be extended pre-arrest bail. Whatever be the allegations B.A No.5213/2013 3 imputed against the officers of the educational institution, needless to point out petitioners who are former students cannot have any say in such matters other than as members of public. In such circumstances, petitioners have to appear before the Investigating Officer and co-operate with the investigation.

4. At this stage, learned counsel for petitioners requested for an opportunity to surrender before the Investigating Officer and co-operate with the investigation, fixing date and time to do so by an order of this court. Considering the request, while declining pre-arrest bail the following directions are issued. In case petitioners appear before the investigating officer at 10:00 a.m on 03.08.2013, after their interrogation, in the event of their arrest in the crime, they shall be produced before the magistrate without delay. On such production, application for bail, if any, moved by petitioners with advance notice to the Assistant Public Prosecutor also, shall be considered by the B.A No.5213/2013 4 magistrate, expeditiously, and disposed on its merits, in accordance with law. Petition is disposed of. vdv S.S.SATHEESACHANDRAN, JUDGE

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