

Raneesh Vs. the State of Kerala

Raneesh Vs. the State of Kerala

SooperKanoon Citation : sooperkanoon.com/1016718

Court : Kerala

Decided On : Jul-29-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Raneesh

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN MONDAY,THE 29TH DAY OF JULY 2013 7TH SRAVANA, 1935 Bail Appl..No. 5182 of 2013 ()
----- CRIME NO. 435/2012 OF PIRAVAM POLICE STATION , ERNAKULAM PETITIONER/ACCUSED: ----- RANEESH, AGED 2 YEARS, S/O.REGHU, THARAYA PARAMBIL HOUSE (KRISHNA KRIPA), VELLOOR, MAYVELLOOR P.O. BY ADV. SRI.T.RAJASEKHARAN NAIR RESPONDENT/COMPLAINANT: ----- THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA. R BY PUBLIC PROSECUTOR, SMT.R.REMA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: DG S.S.SATHEESACHANDRAN, J ----- B.A.No.5182 of 2013 -----
Dated this the 29th day of July, 2013 ORDER Petitioner is the 3rd accused in crime No.435/2012 of Piravom Police Station, registered for offences punishable

under Section 379 read with Section 34 of the Indian Penal Code. He has filed the above application seeking his release on bail under Section 439 of the Code of Criminal Procedure, for short "the Code".

2. Allegation is that the accused persons, four in number, in the above crime committed theft of a tempo traveler belonging to de facto complainant and later that vehicle was used for illicit transporting of spirit. Crime was registered, recording the statement of de facto complainant and then the identity of those who committed theft of the vehicle as unknown. Pursuant to arrest of two among the accused (A1 and A2) and on disclosure purported to have been made by them during their custodial interrogation, complicity of petitioner with them in the offence of theft, it is alleged, was revealed. Petitioner was also thereupon made as an accused (A3) in the crime. Later another (A4) was also implicated, as the investigation revealed his complicity also. B.A.No.5182 o

2. Investigation of the crime is still continuing. Petitioner arrested on 24.06.2013, on production before the magistrate was remanded to custody, which still continues.

3. I heard learned counsel for petitioner and also learned Public Prosecutor. Petitioner is innocent and has been falsely implicated in the crime only on the basis of some statements purported to have been made by two other accused (A1 and A2), is the submission of counsel. Pointing out the period of detention already suffered by petitioner learned counsel for petitioner seeks his release on bail submitting that he will abide by any condition imposed by this Court and also co-operate with the investigation. Release of petitioner is opposed by learned Public Prosecutor contending that one more accused (A4) is yet to be apprehended and that stolen vehicle has not been recovered so far. In case petitioner is released on bail he is likely to assist A4 from being apprehended and also obliterate the evidence of crime, causing obstruction to the recovery of the vehicle, is the further submission.

4. Case Diary has been produced for my perusal. After looking into the materials gathered by investigating B.A.No.5182 o

3. agency with reference to the submissions made by counsel on both sides and particularly taking note of the period of detention already suffered by petitioner, I find, he can be released on bail at this stage imposing adequate conditions safeguarding smooth completion of investigation. Petitioner is directed to be released on bail subject to following conditions:

1. Petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum by each of them to the satisfaction of Judicial First Class Magistrate, Muvattupuzha.

2. Petitioner shall report before the investigating officer once in a week, on every Monday, at a time between 10:00 a.m and 11:00 a.m for a period of three months or till completion of investigation of crime, whichever is earlier.

3. Petitioner shall not intimidate B.A.No.5182 o

4. terrorize or influence any person acquainted with the facts of the case, so as to dissuade him from speaking such facts before the police or court, as the case may be, and nor shall he do any act or make any attempt to obliterate the evidence of the crime.

4. Petitioner shall not leave the State for a period of six months or till completion of investigation of crime, whichever is earlier, without getting prior permission from the investigating officer in writing. Sd/- S.S.SATHEESACHANDRAN, JUDGE
//TRUE COPY// P.A TO JUDGE DG

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com