

Lakshmanan Vs. State of Kerala

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Court : Kerala

Decided On : Jul-29-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Lakshmanan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY,THE 29TH DAY OF JULY 2013 7TH SRAVANA, 1935 Bail Appl..No. 2284 of 2013 () ----- CRIME NO. 113/2013 OF FEROKE POLICE STATION , KOZHIKODE DISTRICT ----- PETITIONERS/ACCUSED 1 TO 3.----- 1. LAKSHMANAN, AGED 3 YEARS,S/O. KARI, NEDUMBEDATH VEEDU, P.O. KARUVANTHURUTHY, FEROKE, KOZHIKODE.

2. SUNDARAN, AGED 3 YEARS, S/O. KARI, NEDUMBEDATH VEEDU, P.O. KARUVANTHURUTHY, FEROKE, KOZHIKODE.

3. REGHUNATHAN, AGED 3 YEARS,S/O. KARI, NEDUMBEDATH VEEDU, P.O. KARUVANTHURUTHY, FEROKE, KOZHIKODE. BY ADVS.SRI.R.SUDHISH SMT.M.MANJU SRI.K.R.RANJITH RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY

THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

031. BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts P.BHAVADASAN, J.

----- B.A. No. 2284 of 2013 -----
----- Dated this the 29th day of July, 2013

ORDER

Petitioners are accused Nos. 1 to 3 in Crime No. 113 of 2013 of Feroke Police Station who are alleged to have committed the offences punishable under Sections 323, 341, 353, 354, 294 B read with Section 34 of IPC.

2. One Yethu Krishnan who was studying in the school got injured. There is divergent version about the same. The school authorities would say that he had fallen down and sustained the injuries. While his parents would say that he was beaten by a teacher. Whatever that be, there are two crimes one by the school authorities and the other by the parents of Yethu Krishnan.

3. The allegation against petitioners is that they, infuriated by the injuries suffered by Yethu Krishnan, forced themselves into the class room where the defacto complainant was teaching the students and showered B.A. No.2284/2013 -2- abuses on her. She was pulled out of the room and thrown outside.

4. Petitioners would say that they are innocent and have been falsely implicated. They admit that they have gone to the school to question about the injuries suffered by Yethu Krishnan. They deny that any act as alleged has occurred. According to them, Yethu Krishnan was hospitalized due to the injuries suffered by him and anticipating that some problem may be caused to the teachers of the school, they had filed a frivolous complaint.

6. The learned Public Prosecutor opposed the petition and pointed out that the matter may not be taken lightly since it was transpired in school where the students are studying and the teachers are teaching the students. The petitioners

have no business to go to the school and commit the act which is alleged against them. It is further pointed out that the investigation is at an infant stage. B.A. No.2284/2013 -3- 7. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, there may be some substance in the contention raised by the learned Public Prosecutor that the act committed by the petitioners cannot be justified. As to whose version is true, is not a matter to be determined at this point of time. The fact remains that the petitioners had gone to the school. But however, a complaint which is read over does not actually disclose the ingredients to attract the offence under Section 354 of IPC. A final opinion in this regard can be made only after investigation. Whatever that be, prima facie it appears that the inclusion of Section 354 is without justification. If that be so, the other offences are bailable offences.

8. Considering the above facts and circumstances in the case and also fact that the student is still studying in the same school and the issue has calmed down, it is felt that this is a fit case where extraordinary jurisdiction of this Court B.A. No.2284/2013 -4- needs to be exercised in favour of the petitioners. The petition is allowed as follows:

- 1) Petitioners shall surrender before the Investigating Officer on or before 05.08.2013, who, after interrogation, shall produce them before the JFCM court concerned, which court, on an application for bail being moved by the petitioners shall release them on bail on each of them executing a bond for a sum of ` 15,000/- (Rupees Fifteen thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court.
- 2) The court concerned shall ensure the identity of the sureties and the veracity of the tax receipts, before granting bail.
- 3) Petitioners shall appear before the Investigating Officer on every Wednesday between 9.00 am to 10.00 am until further orders. B.A. No.2284/2013 -5-
- 4) Petitioners shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses.

5) If any of the conditions is violated, bail granted to the petitioners shall stand cancelled and the court concerned may take such steps as are available to it in accordance with law. P.BHAVADASAN JUDGE ds

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