

Radha Vs. State of Kerala

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Court : Kerala

Decided On : Jul-26-2013

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Radha

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN FRIDAY, THE 26TH DAY OF JULY 2013 4TH SRAVANA, 1935 CrI.MC.No. 3134 of 2013 ----- CRIME NO. 311/2013 OF PERUMBAVOOR POLICE STATION , ERNAKULAM ... PETITIONER(S)/ACCUSED NO.2: ----- RADHA, AGED 5 YEARS, W/O.NARAYANAN, VALAVANYATHU HOUSE, PERUMANI BHAGAM, VENGOLA, KUNNATHUNADU TALUK. BY ADV. SRI.K.SUNILKUMAR RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss V.K.MOHANAN, J.

----- CrI.M.C.No.3134 of 2013
----- Dated this the 26th day of July, 2013 ORDER

The petitioner is the second accused in Crime No.311 of 2013 of Perumbavoor Police Station wherein the offences involved are under Sections 452, 326, 307 & 34 of IPC and also under Sections 3(ii)(v) of SC/ST (Prevention of Atrocities) Act, 1989. According to the petitioner, though the incident was allegedly taken place on 05/03/2013 she was not arrested and according to her, she is falsely implicated in the crime and a counter case is pending against the de facto complainant. However, the petitioner apprehends that she will be sent to jail in case of her surrender before the court below since the offences involved are non-bailable and also the offences under the provisions of SC/ST Act. Therefore, the present CrI.M.C. is filed with a prayer to direct the Judicial First Class Magistrate Court-I, Perumbavoor to consider and pass orders on the bail application to be filed by the petitioner in the above crime on her surrender itself. CrI.M.C.No.3134 of 2013 :-2-:

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Having regard to the facts and circumstances involved in the case, it appears that, though the petitioner is one of the accused in Crime No.311 of 2013 of Perumbavoor Police Station, she is not arrested so far. It appears that, she is now at the age of 57 years. If the petitioner apprehends arrest, it is for her to approach the court below and to seek regular bail. In the result, this CrI.M.C. is disposed of relegating the petitioner to approach the Judicial First Class Magistrate Court-I, Perumbavoor and if she is so advised, she can surrender before that court and seek regular bail and accordingly there will be a direction to the learned Magistrate that in the event of the petitioner surrenders and seeks regular bail, the same shall be considered and disposed on the date of her surrender itself. V.K.MOHANAN, JUDGE skj

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