

Hashim Vs. State of Kerala

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Court : Kerala

Decided On : Jul-12-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Hashim

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN FRIDAY, THE 12TH DAY OF JULY 2013 21ST ASHADHA, 1935 Bail Appl..No. 4438 of 2013 ()
----- CRIME NO. 781/2013 OF NOORANADU POLICE STATION , ALAPPUZHA DISTRICT -----
PETITIONER/1ST ACCUSED: ----- HASHIM, AGED 2 YEARS, HASHIM MANZIL, ADIKKATTUKULANGARA, PALAMEL. BY ADVS.SRI.R.SUNIL KUMAR SMT.A.SALINI LAL
RESPONDENTS/COMPLAINATS: -----
STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA THROUGH SUB INSPECTOR OF POLICE, NOORNADU. BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts S.S.SATHEESACHANDRAN, J
----- B.A.No.4438 of 2013 -----
Dated this the 12th day of July, 2013 ORDER Petitioner is the first accused in

Crime No.781 of 2013 of Nooranadu Police Station registered for offences punishable under Sections 286, 294 and 506(1) r/w. Section 34 of the Indian Penal Code and Sections 4 and 5 of the Explosive Substance Act. 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 petitioner, riding a bike with two others in the pillion seat at about 10.00.p.m., on 14.06.2013, passed beside the residential building of de facto complainant, and then one among the pillion riders in the bike threw an ignited explosive substance at the house, which fell on the sit out of that building and exploded. Pillion riders in the bike also showered obscene words against de facto complainant when one among them threw the explosive substance. Accused persons did the above acts with intend to intimidate and also cause fear and threat to de facto complainant and inmates of his house, is the further imputation, to proceed against them for the offences indicated earlier. Petitioner B.A.No.4438 o

2. was arrested on 16.06.2013, and on production before the magistrate he was remanded to judicial custody.

3. Learned counsel for petitioner submits that he is innocent and has been falsely implicated in the crime. Period of detention already suffered by petitioner is also pointed out by counsel to urge for his release on bail subject to conditions as deemed fit and proper. Opposing the application learned Public Prosecutor submits that other two accused (A2 & A3) are yet to be identified and apprehended and release of petitioner, at this stage, will not be conducive to justice. Petitioner, if released on bail, is likely to harbour and secure other offenders in the crime, is the further submission of learned Public Prosecutor to contend that his release will hamper the investigation. After hearing the submissions made and taking note of the facts and circumstances presented with reference to the period of detention already suffered by petitioner, I find petitioner can be released on bail, at this stage, subject to the following conditions :- i. Petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two solvent sureties for the like sum by each of them to the satisfaction of the Judicial First Class Magistrate (II), Mavelikkara. B.A.No.4438 o

3. ii. Petitioner shall report before the investigating officer at the Station once in a week on every Monday at a time between 10.00. a.m. and 11.00 a.m. for a period of six weeks or till completion of the investigation of the crime, whichever is earlier.

iii. Petitioner shall not commit any offence while he continues on bail in the present crime and if he does so, it is open to the magistrate/ Sessions Judge to revoke his bail without any further orders from this court, but, in accordance with law.

iv. Petitioner shall not leave the State for a period of six months or till completion of investigation of the crime, whichever is earlier, without getting prior permission from the investigating officer in writing. Petition is allowed. Sd/- S.S.SATHEESACHANDRAN, JUDGE True Copy P.A.to Judge RKM

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