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Haris Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1020028

Court : Kerala

Decided On : Aug-07-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Haris

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 7TH DAY OF AUGUST 2013 16TH SRAVANA, 1935 Bail Appl..No. 5329 of 2013 ---------- CRIME NO. 773/2013 OF NEDUMKANDAM POLICE STATION , IDUKKI DISTRICT ..... PETITIONER:ACCUSED: ---------- HARIS, AGED 3 YEARS, S/O.MAITHEEN, POOKKAMALA HOUSE, CHEMBALAM PO.,KALLAR, IDUKKI DISTRICT. BY ADV. SRI.LATHEESH SEBASTIAN RESPONDENT(S)/STATE & COMPLAINANT: ---------- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM 68 031.

2. SUB INSPECTOR OF POLICE, NEDUMKANDAM POLICE STATION 68 553. R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-08-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss P.

BHAVADASAN, J.

..... B.A.NO. 5329 of 2013
..... Dated this the 7th day of August, 2013

ORDER

Petitioner is the sole accused in Crime No.773/2013 of Nedumkandam police station, who is alleged to have committed the offences punishable under Sections 323, 324 and 452 IPC.

2. According to the petitioner, the allegation raised against him is at the behest of his brother-in-law. The allegation against the petitioner is that the petitioner trespassed into the house of the defacto complainant and attacked him with an iron rod and caused injury to him. The petitioner would say that he had not committed any act of that nature. According to him, he is innocent.

3. The learned Public Prosecutor opposed the petition and points out that the petitioner has used dangerous weapon and caused hurt to the defacto complainant.

4. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and having perused the records, even though the claim of the petitioner that he is totally innocent, that cannot be accepted. Considering the injury caused and also the facts and circumstances of the case B.A.NO. 5329 o

2. establish the fact that it is a family dispute, it will not be inappropriate to grant anticipatory bail to the petitioner. The petition is allowed as follows: i. The petitioner shall surrender before the investigating officer on or before 14.08.2013, who after interrogation shall produce the petitioner before the JFCM court concerned, which court on application for bail filed by the petitioner shall release him on bail on executing a bond for Rs.15,000/- (Rupees fifteen thousand) with two solvent sureties each for the like sum to the satisfaction of the JFCM concerned. ii. The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts produced by them before granting bail to the petitioner. iii. The petitioner shall report before the investigating officer on every

Thursday between 9 a.m and 10 a.m until further orders. iv. The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses. v. If any of the conditions is violated, bail granted to the petitioner shall stand cancelled and the concerned B.A.NO. 5329 o

3. Magistrate on being satisfied of the said fact, may take such proceedings as are available to him in law. P. BHAVADASAN, JUDGE. cl

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