

Rasheed Vs. State of Kerala

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Court : Kerala

Decided On : Jul-31-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Rasheed

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE 31ST DAY OF JULY 2013 9TH SRAVANA, 1935 Bail Appl..No. 5247 of 2013 ()
----- CRIME NO. 400/2013 OF KOIPURAM POLICE STATION
, PATHANAMTHITTA DISTRICT -----
PETITIONER/ACCUSED NO.2 AND 3:- -----

1. RASHEED, AGED 2 YEARS, S/O.SHAHUL HAMEED, PANDALAMMOOTTIL HOUSE, VALAKARA MURI, PURAMATTOM VILLAGE, MALLAPPALLY TALUK.

2. ANEESH,S/O.DAVOOD KHAN RAWTHER,AGED 3 YEARS, KUTTIPOOVATHUMKAL HOUSE,VALAKARA MURI, PURAMATTOM VILLAGE, MALLAPPALLY TALUK. BY ADVS.SRI.D.KISHORE SMT.MINI GOPINATH
RESPONDENTS/STATE AND COMPLAINANT:-

----- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.PIN-68

2. THE SUB INSPECTOR OF POLICE, KOIPURAM POLICE STATION, PATHANAMTHITTA DISTRICT-689 645 R1 & R2 BY PUBLIC PROSECUTOR SRI. ROY THOMAS THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-07-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts - - - - -No.-5247 ---2013 - - - P. BHAVADASAN,- J.

- - - - - B.A.- - - - -of- - - - - Dated this the 31st day of July, 2013. ORDER Petitioners are accused Nos. 2 and 3 in Crime No.400 of 2013 of Koipuram Police Station, who are alleged to have committed offences punishable under Sections 294B, 354, 447 and 323 read with Section 34 of Indian Penal Code.

2. The allegations against the petitioners and the co-accused is that they trespassed into the house of the victim and assaulted her causing injuries to her.

3. The petitioners would say that they are innocent and have been falsely implicated with ulterior motive. It is contended that the facts are not as alleged against them. According to them, the defacto complainant is none other than the wife of the first accused. She was suspected to have extra marital relationship with another person and the husband of the victim, on detecting the same, went to the house where the B.A.5247/2013. 2 defacto complainant was staying. The petitioners are said to have accompanied him. It was the first accused who had caught hold of the defacto complainant and the petitioners would say that they had only chased the paramour of the defacto complainant.

4. Learned Public Prosecutor only pointed out that investigation is progressing.

5. At the time of hearing, it is learnt that the first accused has already been arrested and released on bail. Considering the nature of the allegations against the petitioner, it is felt that this is a fit case where the extraordinary jurisdiction needs to be exercised in favour of the petitioners. Therefore, this application is allowed on the following conditions: i) Petitioners shall surrender before the Investigating Officer on or before 08.08.2013, who, after interrogation, shall produce them before the B.A.5247/2013. 3 court concerned, which court, on application for bail being moved by the petitioners, shall release them on bail on

each of them executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court. ii) The court concerned may ensure the identity of the sureties and the veracity of the tax receipts produced by the sureties for the purpose of executing the bond. iii) Petitioners shall appear before the Investigating Officer on every Tuesday between 9 a.m. and 11 a.m. until further orders. B.A.5247/2013. 4 iv) Petitioners shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses. v) 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 law. P. BHAVADASAN, JUDGE sb.

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