

Shine Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Aug-27-2013

Judge : Honourable Mr.Justice S.S.Satheesachandran

Appellant : Shine Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.S.SATHEESACHANDRAN TUESDAY, THE 27TH DAY OF AUGUST 2013 5TH BHADRA, 1935 Bail Appl.No. 5443 of 2013 () ----- CRIME NO. 226/2004 OF KONNI POLICE STATION, PATHANAMTITTA PETITIONER/ 2ND ACCUSED : ----- SHINE KUMAR, AGED 2 YEARS, PADIPPURACKAL VEEDU, MAHADEVIKADU MURI, KARTHIKAPPALLI TALUK. NOW RESIDING AT KUNNEL PUTHUPARAMBIL VEEDU, KADAMANHIRA KARA, THRIKKODITHANAM, CHANGANASSERY. BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL) SRI.A.R.DILEEP SRI.MANU SEBASTIAN SRI.K.J.SHARATH KUMAR RESPONDENTS/ STATE AND COMPLAINANT : ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE, KONNI POLICE STATION, PATHANAMTHITTA

691. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-08-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: RKM S.S.SATHEESACHANDRAN, J
----- B.A.No.5443 of 2013 -----

Dated this the 27th day of August, 2013 ORDER Petitioner is the accused in a crime involving offences punishable under Sections 324, 332, 225 and 307 r/w.34 of the Indian Penal Code. In that crime after investigation, final report was filed before the magistrate long back. Petitioner remained at large while committal proceedings commenced on the cognizance taken for the offences covered by the report. Later, petitioner was arrested and produced before the magistrate, and, he was remanded to judicial custody.

2. His continued detention is not essential for completing the committal proceedings in the case, is the submission of counsel. He is involved in two other crimes, and, in both of them he has been granted bail subject to some conditions, is the further submission of counsel. His involvement in two other crimes has been given too much consideration by the magistrate to decline bail to him in the present case, according to counsel. Petitioner was aged 18 years at the time when the occurrence imputed in the present crime took place, and, he is prepared to
B.A.No.5443 o

2. abide by any condition imposed by this court for his release on bail, is the further submission of counsel. Petitioner remained at large quite for sometime and other accused in the crime are his parents, is pointed out by learned public prosecutor to oppose the application.

3. Though there are circumstances indicating that petitioner has wilfully avoided the court when committal proceedings commenced, taking note of the period of detention already suffered by petitioner, I find he can be released on bail, at this stage, imposing adequate conditions safeguarding and ensuring his participation in the trial of the case, after committal, if need be.

4. Petitioner is directed to be released subject to the following conditions :- i. Petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties for the like sum by each of them to the satisfaction

of the Judicial First Class Magistrate (II), Pathanamthitta. ii. Petitioner shall report before the Station House Officer, Konni Police Station once in a week on every Monday at a time between 10.00. a.m. and 12.00.noon till committal proceedings in C.P.No.77 of 2008 on the file of the magistrate are over. iii. Petitioner shall not leave the State without getting prior permission from the magistrate for a period of six B.A.No.5443 o

3. months or till committal proceedings are over, whichever is earlier. Send a copy of this order to the Station House Officer, Konni Police Station for information and also to report to the magistrate if there is any violation of the direction for appearance by petitioner before him. Sd/- S.S.SATHEESACHANDRAN, JUDGE
True Copy P.A.to Judge RKM

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