

John Paster Vs. State of Kerala

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Court : Kerala

Decided On : Sep-12-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : John Paster

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 12^H DAY OF SEPTEMBER 2013 21ST BHADRA, 1935 Bail Appl..No. 6171 of 2013 ()
----- CRIME NO. 472/2013 OF VELLARADA POLICE STATION, THIRUVANANTHAPURAM DISTRICT.

PETITIONER/ACCUSED: ----- JOHN PASTER, AGED 45 YEARS, SALOM PRAYER HALL, VELLAMKIDAKKUNNAVILA, KUTTATHUVILA, KOTTACKAL DESOM. BY ADV. SRI.R.GOPAN.

RESPONDENTS/COMPLAINANTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE, VELLARADA POLICE STATION, THIRUVANANTHAPURAM DISTRICT. BY PUBLIC PROSECUTOR MR.ROY THOMAS. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-09-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

----- Bail Application No.6171
OF2013----- Dated this the 12th day of September, 2013.

ORDER

The petitioner had approached this Court earlier seeking anticipatory bail by way of Bail Application No.5778/2013. That was summarily dismissed on the ground that one of the offences alleged against the petitioner fell under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The petitioner later surrendered before the court on 04.09.2013.

2. The dispute relates to the use of latrine. According to the de facto complainant, the petitioner, who is the accused, was allowed to use latrine of her house since he did not have an independent latrine. Later he began to misuse the said privilege and then she asked him to discontinue the use of her latrine. That was not liked by the petitioner and he committed certain acts which gave rise to the offences.

3. The petitioner would say that he is innocent and has been falsely implicated in the matter. According to him, he has B.A. No.6171/2013 2 not committed any act which would constitute an offence. It is pointed out that in order to wreak vengeance against him, the present complaint has been filed by the de facto complainant. At any rate, according to him, he has been in custody from 04.09.2013 onwards and his continued custody is unnecessary.

4. Learned Public Prosecutor opposed the petition and pointed out that the investigation is going on.

5. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and also after having perused the records, it is difficult to accept the plea of the petitioner that he is innocent. A deeper probe into the veracity of the allegations is not warranted at this point of time. The fact remains that the petitioner has been in custody from 04.09.2013 onwards. Considering the nature of the allegations against the petitioner and the gravity of the offence committed by

him, it is felt that the continued custody of the petitioner is unnecessary. Therefore, the application is allowed on the following conditions: i) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like B.A. No.6171/2013 3 sum each to the satisfaction of the Court concerned. ii) The Court concerned shall ensure the identity of the sureties and also the veracity of the tax receipts produced by him. iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m and 10 a.m until further orders. iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the condition is violated, the bail granted shall stand cancelled and the Court concerned, on being satisfied of the said fact, may take such steps as are available to it in law. Sd/- P.BHAVADASAN JUDGE smp

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