

Satheesh Vs. State of Kerala

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Court : Kerala

Decided On : Sep-27-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Satheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 27TH DAY OF SEPTEMBER 2013 5TH ASWINA, 1935 Bail Appl.No. 5712 of 2013 ()
----- AGAINST THE

ORDER

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JUDGMENT

IN CRMC17102013 of D.C. & SESSIONS COURT, THRISSUR DATED 0508-2013 CRIME NO. 1152/2013 OF MANNUTHY POLICE STATION, THRISSUR PETITIONERS/ ACCUSED NOS. 1 TO 3 ----- 1. SATHEESH, AGED 28 YEARS, S/O.APPUNNI, ARANDAPPALLAM HOUSE, THEKKE DESOM.P.O., NELLIYAMPATHY, PALAKKAD DISTRICT.

2. SUNIL KUMAR, AGED 27 YEARS, S/O.KUNCHU, ODIYANMUNDU HOUSE, KANAKKALTHURUTHI.P.O., VADAKKANCHERRY, PALAKKAD DISTRICT.

3. ANEESH , AGED 29 YEARS, S/O. RAVI, AYYAPPANPARA HOUSE, CHATHAMANGALAM.P.O., PALAKKAD DISTRICT. BY ADV. SRI.NIREESH MATHEW RESPONDENT/ COMPLAINANT : ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.09.2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: RKM THOMAS P.JOSEPH, J.

===== B.A.No.5712 of 2013
===== Dated this the 27th day of September, 2013

ORDER

Petitioners are accused Nos.1 to 3, in Crime No.1152 of 2013 of Mannuthy Police Station for offences punishable under Secs. 341, 323, 324, 427 r/w Sec.34 of the Penal Code.

2. Case is that on 29.06.2013 at about 8p.m, the father-in-law of the de facto complainant came to the Kallada Bar at Mannuthy for consuming liquor, there was a scuffle between him and staff of the hotel, the petitioners assaulted father-in-law of the de facto complainant and he lost his mobile phone.

3. Learned counsel submits that though the offences stated in the FIR are all bailable, learned Sessions Judge has dismissed the application for anticipatory bail observing that the offences are serious.

4. Learned Public Prosecutor has submitted that vide report dated 21.07.2013 submitted before the Judicial First Class Magistrate Court-III, Thrissur, the Investigating officer has stated that the offence under Sec.326 of the Penal Code is revealed.

5. If according to the learned counsel, no offence under Sec.326 of the Penal Code is involved, it is open to the petitioners to raise that contention before the Judicial First Class Magistrate-III B.A.No.5712 of 2013 2 while applying for bail.

6. Having regard to the circumstances stated, I am inclined to grant time to the petitioners to surrender before the Court concerned and seek regular bail. Resultantly this application is disposed of as under: (i) Petitioners (accused Nos.1 to 3 in Crime No.1152 of Mannuthy Police Station) are granted three (3) weeks' time from this day to appear before the jurisdictional Magistrate and seek regular bail. (ii) If during the said period of three weeks, the petitioner is arrested in Crime No.1152 of 2013 of Mannuthy Police Station, they shall be released during the said period of three weeks on their executing bond for `20,000/- (Rupees Twenty Thousand Only) each with two sureties each for the like sum each to the satisfaction of the arresting officer and subject to the following conditions: (a) Petitioners shall report to the officer investigating the case on all Saturdays between 10 a.m and 12 p.m and on other dates as may be directed by the Investigating Officer during the said period of three weeks. (b) If petitioners move application for bail before the jurisdictional Magistrate, copy of the same shall be given to the Assistant Public Prosecutor concerned atleast two working days in advance. Sd/- THOMAS P.JOSEPH, JUDGE Sbna True Copy P A to Judge

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