

Pradeep Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Oct-01-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Pradeep Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE1T DAY OF OCTOBER20139TH ASWINA, 1935 Bail Appl..No. 5881 of 2013 ()
----- CRIME NO. 998/2013 OF ARANMULA POLICE STATION
----- PETITIONERS/ACCUSED: ----- 1.
PRADEEP KUMAR S., S/O. SIVARAMAN NAIR, AGED44 PERINCHERIL HOUSE AYOOR VILLAGE, PATHANAMTHITTA.

2. P.R. SHAJI S/O. RAGHAVAN, AGED40 POTHUVAM MARIATHOLU PANNACKAD P.O., MALLAPUZHASSERY VILLAGE KOZHANCHERY TALUK, PATHANAMTHITTA. BY ADVS.SRI.P.S.SREEDHARAN PILLAI SRI.ARJUN SREEDHAR
RESPONDENT/COMPLAINANT/STATE :
----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. C. RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0110-2013, ALONG WITH BA NO. 5882/2013,

THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P.JOSEPH, J.

===== B.A.Nos.5881 and 5882 of 2013
===== Dated this the 01st day of October, 2013

ORDER

Petitioners are accused Nos.9 and 10, in Crime Nos.998 and 999 of 2013 of Aranmula Police Station. In the former case, offences punishable under Secs.143, 147 and 353 r/w Sec.149 of the Indian Penal Code, Sec.3(1) of PDPP Act and Sec.2 of Kerala Prevention of Disturbance of Public Meeting Act are involved while in the latter, offences punishable under Secs.143, 147, 506(i), 341, 427 and 308 r/w Sec.149 of the Indian Penal Code are involved.

2. Case is that in connection with the inaugural function of the 'Vallasadhya' at the Parthasarathi Temple, Aranmula, petitioners and others caused obstruction to the police officials discharging their official duty, wrongfully restrained, voluntarily caused hurt and attempted to cause death of the local MLA who attempted to inaugurate the function and damaged public property resulting in loss of `10,000/-.

3. Learned counsel submits that the function was to be inaugurated by a member of the Devaswom Board but the injured in Crime No.999 of 2013 interfered and there happened to be a scuffle. It is contended that the allegation of attempt to commit murder is B.A.Nos.5881 and 5882 of 2013 2 incorporated only to ensure that the petitioners are put behind the bars. A further submission is that some of the accused are already released on bail as per the order of this Court.

4. Learned Public Prosecutor, while opposing the application submitted that petitioners are involved in the alleged incident.

5. Having regard to the nature of the allegation made and particularly as regards the alleged attempt to cause death of the injured in Crime No.999 of 2013, I am inclined to grant some relief to the petitioner but subject to conditions. Resultantly this application is disposed of as under: (i) Petitioners shall appear before the officer investigating Crime Nos.998 and 999 of 2013 of Aranmula Police Station on

10.10.2013 at 10a.m. (ii) It is open to the Investigating Officer to interrogate the petitioners that day. (iii) Petitioners shall be produced before the jurisdictional magistrate the same day. (iv) On such production, petitioners shall be released on bail in Crime Nos.998 and 999 of 2013 (if not required to be detained otherwise) on their executing bond for `15,000/- (Rupees Fifteen Thousand Only) B.A.Nos.5881 and 5882 of 2013 3 in each case with two sureties each for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions: (a) Petitioners shall deposit on the date of their production, in the Court of the jurisdictional magistrate `10,000/- (Rupees Ten Thousand Only) which is the loss allegedly caused by them and others by destruction of public property. (b) Petitioners shall report to the officer investigating the case as and when directed, for interrogation. Sd/- THOMAS P.JOSEPH, JUDGE Sbna True Copy P A to Judge

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