

Amarnadh.A. Vs. the Sub Inspector

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Court : Kerala

Decided On : Oct-03-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Amarnadh.A.

Respondent : The Sub Inspector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 3D DAY OF OCTOBER 2013 11TH ASWINA, 1935 Bail Appl..No. 5132 of 2013 ()
----- CRIME NO. 245/2013 OF FEROKE POLICE STATION ,
KOZHIKODE DISTRICT -----
PETITIONERS/ACCUSED NOS. 3 TO 6:
----- 1. AMARNADH.A.,
S/O.BALAN, AGED 41 YEARS, PANAKKAL HOUSE, MANNUR P.O., KOZHIKODE DISTRICT.

2. RAJESH T, S/O.CHANDRAN (LATE), AGED 30 YEARS, MEPPADATH HOUSE, MANNUR P.O., KOZHIKODE DISTRICT.

3. SIVAPRASAD P, S/O.SREEDHARAN, AGED 32 YEARS, VETTUKATTIL HOUSE, MANNUR P.O., KOZHIKODE DISTRICT.

4. SUBEESH P, S/O.DASAN,AGED24YEARS, SOUBHAGYADHARSANAM HOUSE, KOMMANAMKANDIPARAMB, KADALUNDI P.O., KOZHIKODE DISTRICT. BY ADV. SRI.SUNNY MATHEW RESPONDENTS/COMPLAINANT & STATE : ----- 1. THE SUB INSPECTOR OF POLICE, FEROKE POLICE STATION, KOZHIKODE DISTRICT.PIN-673 001 2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031 R1 & R2 BY PUBLIC PROSECUTOR SRI. C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0310-2013,ALONG WITH B.A.NO.5248 OF2013 THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts THOMAS P.JOSEPH, J.

===== B.A.Nos.5132 and 5248 of 2013
===== Dated this the 03rd day of October, 2013

ORDER

Petitioners in B.A.No.5132 of 2013 are the accused Nos.4, 1, 6 and 7 respectively while petitioners in B.A.No.5248 of 2013 are accused Nos.2 and 5 respectively, in Crime No.245 of 2013 of the Feroke Police Station for the offences punishable under Secs.143, 147, 148, 323, 324 and 326 r/w Sec.149 of the Indian Penal Code.

2. Case is that on 03.06.2013 at about 11 p.m, the petitioners and others attacked the de facto complainant with stick and stone and caused hurt/grievous hurt.

3. Learned counsel submits that petitioners actually attacked and they sustained injuries regarding which Crime No. 244 of 2013 has registered. Annexures A1 and A2 are the wound certificate. Annexure A3 is the FIR in that case. It is argued that petitioners have not committed any offence as alleged.

4. Learned Public Prosecutor submitted that the weapons used in the incident are stick and stone and the de facto complainant suffered fracture of the zygomatic arch.

5. Having regard to the rival contentions, I am inclined to grant some relief to the petitioners. B.A.Nos.5132 and 5248 of 2013 2 Resultantly this application is disposed of as under: (i) Petitioners are granted three (3) weeks' time from this day to surrender in the Court concerned and seek regular bail. (ii) If during the said period of three weeks petitioners are arrested in Crime No.245 of 2013 of Feroke Police Station, they shall be released during the said period of three weeks on their executing bond for Rs.15,000/- (Rupees Fifteen Thousand Only) each with two sureties each for the like sum each before the arresting officer subject to the following conditions: (a) Petitioners shall report to the officer investigating Crime No.245 of 2013 of Feroke Police Station on all Mondays and Saturdays between 10a.m and 12p.m and on other dates as may be directed by that Officer during the said period of three weeks, for interrogation. (b) Petitioners shall co-operate with investigation of the case. (c) In case petitioners wishes to move application for bail, information shall be given to the Assistant Public Prosecutor atleast two working days in advance. (d) In case the Investigating Officer wants custody of the petitioners for interrogation, it is open to him to move appropriate application before the appropriate court. B.A.Nos.5132 and 5248 of 2013 3 (e) The Court concerned shall pass appropriate orders on the application(s) as preferred above as early as possible. Sd/- THOMAS P.JOSEPH, JUDGE Sbna True Copy P A to Judge