

Johnson Vs. State of Kerala

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Court : Kerala

Decided On : Sep-27-2013

Judge : Honourable Mr.Justice S.Siri Jagan

Appellant : Johnson

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY,THE27H DAY OF SEPTEMBER20135TH ASWINA, 1935 Bail Appl..No. 5103 of 2013 () ----- CRIME NO. 779/2013 OF HILL PALACE POLICE STATION , ERNAKULAM ----- PETITIONERS: ----- 1. P.K.SATHI, AGED69YEARS, D/O.K.N.KESAVAN, THIRU MADATHIL HOUSE, KADUTHURUTHY, KOTTAYAM. PIN-686 604.

2. P.K.SOMACHANDRAN, AGED63YEARS, S/O.KESAVAN, PADANNAYIL HOUSE, THEKKUM BHAGOM, TRIPUNITHURA. PIN-682 301.

3. P.K.GIRIJA, AGED61YEARS, D/O.KESAVAN, PADANNAYIL HOUSE, THEKKUM BHAGOM, TRIPUNITHURA. PIN-682 301.

4. SUDARSAN.K.K, AGED57YEARS, S/O.KESAVAN, PADANNAYIL HOUSE, THEKKUM BHAGOM, TRIPUNITHURA. PIN-682 301.

5. SUNIL DATH, AGED52YEARS, S/O.KESAVAN, PADANNAYIL HOUSE, THEKKUM BHAGOM, TRIPUNITHURA. PIN-682 301.

6. P.K.BINDU, AGED48YEARS, D/O.KESAVAN, PADANNAYIL HOUSE, THEKKUM BHAGOM, TRIPUNITHURA. PIN-682 301.

7. P.K.SALIM, AGED46YEARS, S/O.KESAVAN, PADANNAYIL HOUSE, THEKKUM BHAGOM, TRIPUNITHURA. PIN-682 301. BY ADVS.SRI.M.BALAGOVINDAN SRI.VAKKOM N.VIJAYAN SMT.V.RENJU SRI.P.ANIYAN PJ ...2/- ..2.. Bail Appl..No. 5103 of 2013 ()

----- RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. 682 031.

2. S.I.OF POLICE, HILL PALACE POLICE STATION, TRIPUNITHURA, ERNAKULAM, PIN-682 301.

3. MISS ASWINI, AGED20YEARS, D/O.LATE BEENA, CHITTAYIL HOUSE, THEKKUMBHAGOM. PIN-682 301, ERNAKULAM DISTRICT.

4. MISS. AMRITHE, AGED18YEARS, D/O.LATE BEENA, CHITTAYIL HOUSE, THEKKUMBHAGOM. PIN-682 301, ERNAKULAM DISTRICT. R1 & 2 BY PUBLIC PROSECUTOR SMT.LALIZA R3 & 4 BY ADV. SRI.VARGHESE P.CHACKO THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2709-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P.JOSEPH, J.

===== B.A.No.5103 of 2013

===== Dated this the 27th day of September, 2013

ORDER

Petitioners apprehend arrest in Crime No.779 of 2013 of Tripunithura Police Station for offence punishable under Sec.380 of the Penal Code.

2. According to the prosecution the predecessors-in-interest of respondents 3 and 4 (who are now staying in the Government orphanage as per the order of this

Court) had kudikidappu right over 10cents and were residing in the building in the said 10 cents. Their mother and brother committed suicide at Goa sometime in the year, 2006. About two years back, the children of one Kesavan destroyed the building in the said 10 cents and removed the articles therein and committed offence under Sec.380 of the Penal Code.

3. Petitioners say that they are the children of the late Kesavan who owned 9.360cents in survey 552/2 and on his death, said property devolved on them. The shed therein had been given on rent to one Pushkaran and after his death, his brother and Beena (who committed suicide at Goa) vacated that shed. Thereafter, petitioners disposed of that property as per Annexure-A2. B.A.No.5103 of 2013 2

4. Learned counsel submitted that the petitioners have not committed any offence and they are likely to be arrayed as accused.

5. Learned Public Prosecutor submitted that petitioners are required to be interrogated as to their role in the (alleged) incident.

6. Having regard to the nature of contention raised by the petitioners and the allegations against them, I am inclined to grant bail to the petitioners. Resultantly this application is disposed of as under: (i) In case petitioners are arrested by the Tripunithura police in Crime No.779 of 2013, they shall be released on bail for a period of one (1) month from the date of arrest on their executing bond for `10,000/- (Rupees Ten Thousand Only) each with two sureties each for the like sum each before the arresting officer and subject to the following conditions: (a) By the expiry of the said period of one month, petitioners shall approach the jurisdictional Magistrate and seek regular bail. (b) During the said period of one month, petitioners 2, 4, 5 and 7 shall report to the officer investigating the case on every Saturday between 10 a.m and 12 p.m and on other dates as directed by the Investigating Officer during the said period of one month B.A.No.5103 of 2013 3 (from the date of their arrest and release). (c) Petitioners 1, 3 and 6 shall, during the said period of one month make their presence available for interrogation by the Investigating Officer. (d) Petitioners while preferring the application for bail shall give notice to the Assistant Public Prosecutor atleast two working days before the date of filing of the application. (e) In case custodial interrogation of any of the

petitioners is required, Investigating Officer can move such application before the jurisdictional Magistrate. Sd/- THOMAS P.JOSEPH, JUDGE Sbna True Copy P A to Judge

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