

T. Junaid Vs. the State of Kerala

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Court : Kerala

Decided On : Sep-30-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : T. Junaid

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 30TH DAY OF SEPTEMBER 2013 8TH ASWINA, 1935 Bail Appl..No. 5100 of 2013
----- CRIME NO. 548/2013 OF PULIKEEZHU POLICE STATION , PATHANAMTHITTA PETITIONERS/2ND ACCUSED:
----- MONCY JOSEPH, AGED 36 YEARS, S/O.JOSEPH, PUTHUKKERIL HOUSE, NIRANAM CENTRAL P.O. BY ADV. SRI.T.P.PRADEEP
RESPONDENTS/COMPLAINANTS:
----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN 682031.

2. SUB INSPECTOR OF POLICE, PULIKEEZHU-689 645. R1 & R2 BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-09-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J.

----- Dated this the 30th day of September, 2013

ORDER

Petitioner is second accused in Crime No.548 of 2013 of Pulikeezhu Police Station for offences punishable under Sections 341 and 332 read with 34 of the Penal Code.

2. The case is that on 06.07.2013 at about 5.30 p.m, petitioner and others in furtherance of their common intention wrongfully restrained the de facto complainant who is a civil police officer on process serving duty at the relevant time, voluntarily caused hurt to him and obstructed him from discharging his official duty. The petitioner and accused 3 and 4 are said to have assaulted the de facto complainant with a granite stone.

3. Learned counsel submits that the allegations are false. According to the learned counsel, near a Bar hotel, the de facto complainant who was in mufti quarrelled with the first B.A. NO. 5100 of 2013 2 accused regarding parking of a bike in front of that Hotel and there was some altercation. It is also submitted that the petitioner and his father (third accused) were returning on a motor bike after consulting an eye specialist. Annexures A and B are produced to support that contention.

4. What I can say from Annexures A and B now is only that the father of the petitioner had consulted an eye specialist on 06.07.2013 at some time.

5. It is submitted that as per the prosecution version, it was accused 3 and 4 who (allegedly) assaulted the de facto complainant and that the father of the petitioner (3rd accused) was arrested and later released on bail.

6. Having regard to the nature of allegations made against the petitioner, since no material object is to be recovered on the information to be given by the petitioner and since the case of the petitioner is also to be looked into by the investigating officer, I am inclined to grant some relief to the petitioner. Resultantly this petition is disposed of as under : (1) Petitioner is granted three weeks time to appear before the Jurisdictional Magistrate and seek regular bail. B.A. NO. 5100 of 2013 3

(2) If during the said period of three weeks, the petitioner is arrested in connection with Crime No.548 of 2013 of Pulikeezhu Police Station, he shall be released on bail for the said period of three weeks on his executing bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each before the arresting officer and subject to following conditions. (1) Petitioner shall report to the officer investigating the case as and when required for interrogation at all reasonable time and places. (2) Petitioner shall not interfere with the investigation of the case, intimidate or influence the witnesses. THOMAS P. JOSEPH JUDGE DMR/-

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