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Faizal Vs. State of Kerala

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Court : Kerala

Decided On : Oct-07-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Faizal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY,THE7H DAY OF OCTOBER201315TH ASWINA, 1935 Bail Appl..No. 6595 of 2013 () ---------- CRIME NO. 2/2012 OF IRITTY POLICE STATION, KANNUR DISTRICT ---------- PETITIONER/2ND ACCUSED : ---------- FAIZAL, S/O.UKKAS, AGED24YEARS FAZEELA MANZIL, THILLANKERI PO, VATTAPARAMBA KANNUR DISTRICT. BY ADVS.SRI.C.P.PEETHAMBARAN SMT.MINI.V.A. RESPONDENT / COMPLAINANT : ---------- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. LALIZA T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0710-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH, J.

---------- Bail Appl. No. 6595 of 2013 ---------- Dated this the 7th day of October 2013

ORDER

Petitioner is the 2nd accused in Crime No.2 of 2012 of Iritty Police Station for the offences punishable under Sections 341, 324, 308 read with Section 34 of the Indian Penal Code and Sections 3 and 5 of the Explosives Substance Act.

2. Allegation is that on 31.12.2011 the petitioners and others attacked the defacto complainant who was riding a motor cycle, with bomb and assaulted him with iron road. Petitioner is in custody from 02.09.2013. His earlier application for bail was dismissed by this Court.

3. Learned counsel has requested for granting bail.

4. Learned Public Prosecutor has told me about the nature of the incident (allegedly).

5. Petitioner is not reported to be involved in any other cases. Having regard to that, I am inclined to grant bail but, subject to stringent conditions to prevent Bail Appl. No. 6595 of 2013 2 recurring of such incidents. Resultantly, this application is allowed as under :

1. Petitioner is granted bail in Crime No.2 of 2012 of Iritty Police Station and will be released on bail (if not required to be detained otherwise) on executing bond for Rs.25000/- (Rupees twenty five thousand only) with two sureties for the like sum each to the satisfaction of the learned Magistrate and subject to the following conditions. a) Petitioner shall execute bail bond within three weeks from this day. b) One of the sureties shall be a close relative of the petitioner. c) Petitioner shall report to the Sub Inspector, Iritty Police station on every Monday, Wednesday and Saturday between 10.00am and 12.00 pm until filing of the final report. d) Petitioner shall report to the investigating officer as and when required for Bail Appl. No. 6595 of 2013 3 interrogation. e) Petitioner shall not get involved in any offence during the period of this bail. f) Petitioner shall not go beyond the local limits of Iritty Police Station until otherwise permitted by the learned magistrate and

except with the permission of the learned magistrate. g) Petitioner shall surrender his passport before the learned magistrate while executing the bail bond and in case he has none, file affidavit to that effect. h) It is directed that in case any of the above conditions is violated, it is open to the investigating officer to move the learned magistrate for cancellation of bail granted hereby as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE NS Bail Appl. No. 6595 of 2013 4

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