

Vishnu Vs. State of Kerala

Vishnu Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1095340

Court : Kerala

Decided On : Oct-22-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Vishnu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 22D DAY OF OCTOBER 2013 30TH ASWINA, 1935 Bail Appl..No. 6865 of 2013 ----- CRIME NO. 1721/2013 OF KADAKKAL POLICE STATION , KOLLAM DISTRICT ... PETITIONERS/ACCUSED-A1 & 3: ----- 1. VISHNU, AGED 22 YEARS, S/O.VIJAYAN, KIZHAKKUMKARA KALEELIL VEEDU, CHEMBAMAN, CHARIPARAMB P.O., ITTIVA VILLAGE, KOTTARAKARA TALUK, KOLLAM DISTRICT.

2. DEEPU, AGED 26 YEARS, S/O.THULASEEDHARAN, T.R.NIVAS, CHEMBAMAN, CHARIPARAMB P.O., ITTIVA VILLAGE, KOTTARAKARA TALUK, KOLLAM DISTRICT. BY ADV. SRI.K.V.ANIL KUMAR RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-10-2013 ALONG

WITH B.A.NO.6859/2013,THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P.JOSEPH, J.

===== B.A. Nos.6865 and 6859 of 2013
===== Dated this the 22nd day of October, 2013

ORDER

These applications are preferred by the accused Nos. 10, 1 and 2, respectively in Crime No. 1721 of 2013 of the Kadakkal police station for the offences punishable under Secs. 143, 147, 148, 341, 2964B, 324 and 308 r/w. Sec.149 of the Penal Code.

2. Case is that on 20.09.2013 at about 05:30 p.m., the petitioners and others attacked the de facto complainant and others with stone tied in a towel.

3. Learned counsel submits that there was a dispute between two groups in the course of onam celebration and there occurred a quarrel. A case is registered against the de facto complainant and others as well. It is also submitted that the injuries suffered by the de facto complainant and others are minor and that the offence under Sec.308 of the Penal Code is not attracted.

4. Learned Public Prosecutor has submitted that the stone allegedly used by the first petitioner in B.A. No. 6865 of 2013 is recovered and that no other weapon is to be B.A Nos.6865 & 6859 of 2013 2 recovered.

5. Having regard to the fact situation and considering the nature of injuries suffered by the de facto complainant and others, I am inclined to grant relief to the petitioners but subject to conditions. Resultantly, these applications are disposed of as under:

1. Petitioners shall report to the officer investigating Crime No. 1721 of 2013 of the Kadakkal police station on 29.10.2013 at 10:00 a.m. for interrogation. 2) In case interrogation is not completed that day, the said officer can direct the petitioners to appear before him on other date/dates and time which the petitioners shall comply. 2) In case petitioners are arrested, they shall be produced before the jurisdictional

magistrate the same day. 3) On such production, the petitioners shall be B.A Nos.6865 & 6859 of 2013 3 released on bail in Crime No. 1721 of 2013 of the Kadakkal police station on thier executing bond for Rs.20000/- (Rupees Twenty thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions:- a) Petitioners shall report to the officer investigating Crime No. 1721 of 2013 of the Kadakkal police station on every Saturday between 10:00 a.m. and 12:00 p.m. for a period of two months or till final report is filed, whichever is earlier . b) Petitioners shall report to the Investigating Officer as and when required for interrogation. c) Petitioners shall not, during the period of this bail get involved in any offence. d) It is made clear that in case any of the above conditions is violated, it is open to the B.A Nos.6865 & 6859 of 2013 4 Investigating Officer to seek cancellation of the bail granted hereby by moving application before the jurisdictional Magistrate (until committal if any, and thereafter before the Principal Sessions Judge concerned) as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P.JOSEPH, JUDGE //true copy// P.A. to Judge Smv

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com