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

Yesudas Vs. State of Kerala

Yesudas Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1095502

Court : Kerala

Decided On : Oct-22-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Yesudas

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE22D DAY OF OCTOBER201330TH ASWINA, 1935 Bail Appl..No. 6858 of 2013 ---------- CRIME NO. 718/2013 OF KUNDARA POLICE STATION , KOLLAM DISTRICT ..... PETITIONER/IST ACCUSED: ---------- YESUDAS, S/O. SEBASTIAN, MUNDUPOIKATHADATHIL, KAITHATHODI, PERUMOOTIL CHERIYIL, PERINADU, KOLLAM DISTRICT. BY ADV. SRI.TITUS DOMINIC RESPONDENT/COMPLAINANT: ---------- STATE OF KERALA, REPRESENTED BY S.I. OF POLICE, KUNDARA. BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2210-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J.

---------- Bail Appl. No. 6858 of 2013 ---------- Dated this the 22nd day of October 2013

ORDER

Petitioner is the 1st accused, in Crime No.718 of 2013 of the Kundara Police station for offences punishable under Sections 447, 427, 379, 188 and 294 (b) read with Section 34 of the Indian Penal Code. The allegation is that the petitioner and others trespassed into the property of the defacto complainant and committed theft of 160 Kgs of barbed vire fence and 35 posts meant for installation of the fence, causing loss of around 27,000/- (Rupees twenty seven thousand only) to the defacto complainant. Petitioner apprehends arrest and has filed this application.

2. Learned counsel submits that there is a civil dispute between the petitioner and the defacto complainant regarding which a suit is pending. Annexures A to C are produced to show the existence of the civil suit. It is also submitted that the Advocate Commissioner has inspected the property and submitted a report. Bail Appl. No. 6858 of 2013 2 3. Learned Public Prosecutor has submitted that as per the allegations, petitioner and others committed trespass and theft.

4. In view of the above circumstances, I am inclined to grant bail to the petitioner but, subject to stringent conditions. Resultantly, this application is allowed as under:

1. Petitioner shall report to the officer investigating Crime No.718 of 2013 of the Kundara Police Station on 30.10.2013 at 10.00 am for interrogation.

2. After interrogation, in case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day.

3. On such production, learned magistrate shall release the petitioner on bail on his executing bond for Rs.25,000/- (Rupees twenty thousand only) with two sureties for the like sum each to the satisfaction of the Bail Appl. No. 6858 of 2013 3 learned magistrate subject to the following conditions: a) Petitioner shall report to the investigating officer on every alternate Saturdays between 10.00 am and 12.00 pm for a period of two months or until filing of the final report, whichever is earlier. b) Petitioner shall report to the investigating officer as and when required for

interrogation. c) Petitioner shall not get involved any offence during the period of this bail. d) In case any of the above condition is violated, it is open to the investigating officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE NS

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