

Unnikrishnan Vs. State of Kerala

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Court : Kerala

Decided On : Oct-25-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Unnikrishnan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY, THE 25^H DAY OF OCTOBER 2013 3RD KARTHIKA, 1935 Bail Appl..No. 6530 of 2013 (C) ----- [CRIME NO. 1205/2013 OF ANCHALUMMOODU POLICE STATION, KOLLAM DISTRICT] PETITIONERS/ACCUSED NOS. 1 & 2: ----- 1. UNNIKRIISHNAN, S/O.THANKAPPAN ACHARY, AGED 30 YEARS, KUZHIYATHU VADAKKATHIL, PERUMON P.O., PERINADU, KOLLAM.

2. SAROJAM, D/O.THANKAPPAN ACHARY, AGED 46 YEARS, HARI BHAVANAM, PERUMON P.O, PERINADU, KOLLAM. BY ADVS. SRI.SIJU KAMALASANAN, SMT.CHITHRA.S.BABU. RESPONDENT: ----- STATE OF KERALA, THROUGH THE S.I OF POLICE, ANCHALUMMOODU POLICE STATION, REPRESENTED BY PUBLIC PROSECUTOR , HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. P. MAYA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-10-2013, THE

COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv.
P.BHAVADASAN, J.

----- B.A. No. 6530 of 2013 -----
----- Dated this the 25th day of October, 2013

ORDER

Petitioners are accused in Crime No. 1205 of 2013 of Anchalumoodu Police Station who are alleged to have committed the offences punishable under Sections 324 and 354 read with Section 34 of IPC.

2. The allegation against the petitioners is that on 09.08.2013 at about 12.30 p.m., they caught hold of the dress of the defacto complainant and tore it of. Further case is that the defacto complainant was attacked.

3. Petitioners would say that the allegations are totally false and are cooked up for the purpose of this case. In fact, it was the petitioners who were attacked and a counter case has been registered in which the offence includes 326 of IPC. One of the petitioners suffered a fracture. That would show that the petitioners who were really attacked.

4. The learned Public Prosecutor only pointed out B.A. No.6530/2013 -2- that the investigation is at infant stage.

5. After having heard the learned counsel for the petitioners and the learned Public Prosecutor and having perused the records, especially the additional documents produced by the petitioners, it is seen that there is considerable force in the submissions made by the learned counsel for the petitioners. There is a case and the counter case with regard to the same incident. After having bestowed attention to various aspects, it is felt that this is a fit case where extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioners The petition is allowed as follows:

1. Petitioners shall surrender before the Investigating Officer on or before 31.10.2013, who, after interrogation, shall produce them before the JFCM court

concerned, which court, on an application for bail being moved by the petitioners shall release them on bail on each of them executing a bond for B.A. No.6530/2013 -3- a sum of ` 15,000/- (Rupees Fifteen thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court. 2) The court concerned shall ensure the identity of the sureties and the veracity of the tax receipts, before granting bail. 3) Petitioners shall appear before the Investigating Officer on every Wednesday between 9.00 am and 10.00 am until further orders. 4) Petitioners shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses. 5) If any of the conditions is violated, bail granted to the petitioners shall stand cancelled and the court concerned may take such steps as are available to it in accordance with law. P.BHAVADASAN
JUDGE ds

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