

Sujith Vs. State of Kerala

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Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sujith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 Bail Appl..No. 7125 of 2013 () ----- CRIME NO. 1018/2013 OF VAIKOM POLICE STATION , KOTTAYAM ACCUSED NO.1/PETITIONER: ----- SUJITH, S/O.VASU ,AGED 20 YEARS KANICHERIL COLONY, CHEMMANATHUKARA, VAIKOM KOTTAYAM BY ADV. SRI.K.R.VINOD RESPONDENT: ----- 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 31/10-2013, ALONG WITH BA NO.7126/2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: dlk THOMAS P. JOSEPH, J ----- B.A.Nos.7125 & 7126 of 2013 ----- Dated this the 31th day of October, 2013

ORDER

Petitioner, common in both the applications is accused in Crime Nos.1018 of 2013 and 1019 of 2013, respectively of the Vaikom Police Station in the former, for the offences punishable under Sections 452, 323, 324, 294(b) and 427 r/w Section 34 of the Indian Penal Code. Allegation is that on 14-07-2013 at about 10.00p.m, the petitioner and others trespassed into the house of the defacto complainant and attacked him and others with deadly weapons and caused damaged to the house. In the latter, offences under Sections 323, 324, 308 and 427 r/w Section 34 of the Indian Penal Code are incorporated. Allegation is that on 15-07-2013 at about 12.45 a.m., the petitioner and others blocked the Autorickshaw in which the defacto complainant and others were travelling and attacked them, caused hurt and attempted to cause death and caused damaged 2. Learned Public Prosecutor has submitted that the weapons (allegedly) used are recovered and that final report in both the cases are filed before the learned magistrate on 26- 09-2013. B.A.Nos.7125 & 7126 of 2013 2 3. In the light of the above, I am inclined to think that custodial interrogation of the petitioner is not necessary as things now stand. Hence, I am inclined to grant relief subject to conditions. Resultantly, these applications are disposed of as under: a) Petitioner is granted bail Crime No.1018 of 2013 and Crime No. 1019 of 2013 of the Vaikom Police Station. b) Petitioner shall surrender before the learned JFM- Vaikom on 07-11-2013 c) On such surrender, the petitioner shall be released in the above said crime cases, if not required to be detained otherwise on his executing bond of Rs.25,000/- (Rupees twenty five 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: i) One of the sureties shall be a close relative of the petitioner. ii) Petitioner shall report to the officer investigating the case, in case any direction is issued to that effect. B.A.Nos.7125 & 7126 of 2013 3 iii) Petitioner shall not, during the period of this bail get involved in any offence. iv) Petitioner shall not intimidate/influence the witnesses. v) In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate (until committal of the case if any, and thereafter, before the learned Principle Sessions Judge concerned) as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH, JUDGE AS

