

Sameer Vs. State of Kerala

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Court : Kerala

Decided On : Nov-04-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Sameer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN MONDAY, THE 4TH DAY OF NOVEMBER 2013 13TH KARTHIKA, 1935 Bail Appl..No. 7290 of 2013 ----- CRIME NO. 380/2013 OF KADIRUR POLICE STATION , KANNUR DISTRICT PETITIONER/1ST ACCUSED:-: ----- SAMEER, AGED 28 YEARS, S/O.SAINABA, VALIYAPARAMBATH HOUSE, MUTHYANGA DESOM, THALASSERY TALUK, KANNUR DISTRICT. BY ADV. SRI.P.SAJU RESPONDENT/COMPLAINANT:-: ----- STATE OF KERALA, (SHO KADIRUR POLICE STATION) REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. P.MAYA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss P.BHAVADASAN, J.

----- Dated this the 04th day of November, 2013

ORDER

The petitioner is the first accused in Crime No. 380 of 2013 of Kadirur Police Station who had moved the lower court on two occasions for seeking anticipatory bail which was declined by the court below. The facts are seen stated in the said order and it is unnecessary to re-state the facts in this order.

2. The petitioner claims to be innocent and says that he has been falsely implicated with ulterior motive. He denies of having committed any act as alleged.

3. The learned Public Prosecutor only pointed out that the investigation is at an infant stage.

4. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, it is felt that there is some substance in the complaint made by the petitioner that all the allegations B.A. No.7290/2013 - 2- may not be true. It is not disputed that he along with other accused had gone to the house of the victim and that was for the mediation talk. Though it may not be completed, the further allegation is that the victim was attacked and they destroyed the house hold articles also may not be correct. Whatever that be, considering the nature of allegations against the petitioner and also the fact that several other accused person had also been granted anticipatory bail who were similarly placed like the petitioner, there is no reason as to why the relief should not be granted to this petitioner. The petition is allowed as follows:

1. The petitioner shall surrender before the Investigating Officer on or before 11.11.2013, who, after interrogation, shall produce him before the JFCM court concerned, which court, on an application for bail being moved by the petitioner shall release him on bail on his executing a bond for a sum of `15,000/- (Rupees Fifteen Thousand B.A. No.7290/2013 -3- only) with two solvent sureties for the like sum each to the satisfaction of the said court. 2) The court shall ensure the identity of the sureties and the veracity of the tax receipts, before granting bail. 3) The

petitioner shall appear before the Investigating Officer on every Tuesday between 9.00 am and 10.00 am until further orders. 4) The petitioner 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 petitioner 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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