

Binu Vs. State of Kerala

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Court : Kerala

Decided On : Oct-28-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Binu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 28TH DAY OF OCTOBER 2013 6TH KARTHIKA, 1935 Bail Appl..No. 7147 of 2013 ()
----- CRIME NO. 875/2013 OF PARASSALA POLICE STATION , THIRUVANANTHAPURAM DISTRICT PETITIONER/A5: -----
BINU, AGE 36 S/O.BABU, HOUSE NO.92, SAMATHWAPURAM COLONY KANJANPURM DESOM, AEZHUDESOM VILLAGE VILAVANCODE TALUK, KANNYAKUMARI, TAMIL NADU BY ADVS.SRI.SHAJIN S.HAMEED SRI.BIJU VARGHESE ABRAHAM RESPONDENTS/STATE: ----- STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE PARASSALA POLICE STATION REPRESENTED THROUGH THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR SMT.LELIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: MNS THOMAS P.JOSEPH, J.

===== Bail Application No.7147 of 2013
===== Dated this the 28th day of October, 2013

ORDER

Petitioner is the 5th accused, in Crime No.875 of 2013 of the Parassala police station for the offence punishable under Sec.396 of the Penal Code the allegation being that on 26.07.2013 at about 05:00 a.m., the petitioner and others committed decoity of a mini lorry carrying fish and while conjointly committing decoity, caused the death of Ashraf who attempted to prevent removal of the mini lorry and the fish, is in custody from 07.08.2013, his earlier applications for bail were rejected and now again seeks bail.

2. Learned Public Prosecutor has submitted that the first accused is yet to be arrested and that some of the material objects are also to be recovered. It is also submitted that since the petitioner belongs to the State of Tamilnadu, he might abscond if released on bail.

3. Learned counsel for the petitioner, in response B.A No. 7147 of 2013 2 submits that wife house of the petitioner belongs to Tamilnadu while the petitioner is permanently staying within the local limits of the Petta police station, Trivandrum. Learned counsel also offers sureties from the State of Kerala.

4. Having regard to the circumstances, I am inclined to grant bail but subject to stringent conditions. Resultantly, this application is allowed as under:- Petitioner is granted bail in Crime No. 875 of 2013 of the Parassala police station and will be released, if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the jurisdictional magistrate subject to the following conditions:- a) The bail bond shall be executed within three weeks from this day. b) One of the sureties shall be a close relatives of the B.A No. 7147 of 2013 3 petitioner. c) Both the sureties shall belong to the State of Kerala and offer property situated in Kerala, as as offered by the learned counsel for the petitioner. d) Petitioner and the sureties shall produce photocopies of their identity cards before the jurisdictional magistrate while executing the bond. e) Petitioner shall

report to the Sub Inspector, Parassala police station on every Saturday between 10 a.m. and 12:00 p.m. until otherwise ordered by the learned magistrate (until committal and thereafter by the learned Principal Sessions Judge concerned). f) Petitioner shall report to the investigating officer as and when required for interrogation. g) Petitioner shall not go beyond the local limits of Trivandrum District until otherwise ordered and except with the permission of the learned magistrate or the learned Principal Sessions Judge, as aforesaid. h) Petitioner shall not get involved in any offence during the period of this bail. B.A No. 7147 of 2013 4 i) It is made clear that in case any of the above conditions is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate or before the learned Principle Sessions Judge concerned as aforesaid and 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

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