

Unnath Vs. State of Kerala

Unnath Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1096515

Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Unnath

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 Bail Appl..No. 7149 of 2013 ()
----- CRIME NO. 1855/2013 OF CHAVARA POLICE STATION
, KOLLAM DISTRICT -----
PETITIONER/ACCUSED A5: ----- UNNATH,
AGED 24 YEARS, S/O. PARAMESWARAN, MANGALAM THARAYIL,
THATTASSERI (CHERUSSERIBHAGOM), CHAVARA VILLAGE, CHAVARA,
KARUNAGAPPALLY THALUK, KOLLAM DISTRICT. BY ADV. SRI.P.V.DILEEP
RESPONDENT/COMPLAINANT : ----- STATE
OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.DHANESH
MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 31-10-2013, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: sts P.BHAVADASAN, J.

----- Dated this the 31st day of October, 2013

ORDER

The petitioner is the 5th accused in Crime No. 1855 of 2013 of Chavara Police Station who is alleged to have committed the offences punishable under Sections 143, 147, 148, 452, 323, 324, 427 and 294(b) read with Section 149 of IPC.

2. The allegation against the petitioner is that on 28.09.2013 at 3.30 p.m., he along with others entered into the house of the defacto complainant and brutally attacked the defacto complainant and others with dangerous weapons causing injuries to them.

3. The petitioner would say that he is innocent and has been falsely implicated with ulterior motive. At any rate, it is pointed out that he has not committed any act which would constitute an offence. He also stated that the first accused had already been granted bail. B.A. No.7149/2013 -2- 4. The learned Public Prosecutor only pointed out that the investigation is going on.

5. After having heard the learned counsel for the petitioner and the learned Public Prosecutor and having perused the records, even though the claim of the petitioner that he is totally innocent cannot be accepted, the fact remains that no overt acts are attributed to him. The fact that it may not be possible to dispute that he had gone along with others and he was present at the time of occurrence. However, considering the fact that he has not committed any overt acts as such and also the fact that the first accused had already been granted bail, it is felt that this is a fit case where extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioner. The petition is allowed as follows:

1. The petitioner shall surrender before the Investigating Officer on or before 07.11.2013, B.A. No.7149/2013 -3- 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 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 Wednesday 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 B.A. No.7149/2013 -4- concerned may take such steps as are available to it in accordance with law. P.BHAVADASAN JUDGE ds

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