

Saneesh Vs. State of Kerala

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Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Saneesh

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. 7230 of 2013 (C) ----- [CRIME NO. 270/2013 OF MANANCHERRY POLICE STATION , ALAPPUZHA DISTRICT] PETITIONERS/ACCUSED NOS. 2 & 3: ----- 1. SANEESH, AGED 27 YEARS, S/O.SUNNY KARUVANCHERIL, MARARIKULAM SOUTH PANCHAYATH, POLLETHAI P.O, ALAPPUZHA DISTRICT.

2. PAUL @ BENNY, AGED 36 YEARS, S/O.FRANCIS, THAYIL HOUSE, POLLETHAI P.O, ALAPPUZHA DISTRICT. BY ADV. SRI.P.SHANES. RESPONDENT: ----- THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 31. BY PUBLIC PROSECUTOR SRI. ROY THOMAS. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P.JOSEPH, J.

===== Bail Application No.7230 of 2013
===== Dated this the 31st day of October, 2013

ORDER

Petitioners are accused Nos. 2 and 3, in Crime No. 270 of 2013 of the Manancherry police station (Alappuzha District) for the offences punishable under Secs.450, 294(b), 323, 324, 396 and 307 r/w. Sec. 34 of the Penal Code the allegation being that on 19.10.2013, the petitioners and others attacked the de facto complainant with iron pipe, sword, stick etc, are in custody from 22.10.2013 and seek bail.

2. Learned counsel submits that the earlier application - B.A. No. 6644 of 2013 was dismissed on 08.10.2013 leaving it open to the petitioners to move fresh application at an appropriate stage of the investigation. Learned counsel also submits that since the petitioners are in custody from 22.10.2013, they may be released on bail. B.A No. 7230 of 2013 2 3. Learned Public Prosecutor has submitted that petitioners are reported to be involved in other cases. It is further submitted that investigation of the case is not completed.

4. Having regard to the circumstances, I am inclined to grant bail subject to conditions. Resultantly, this application is allowed as under:- Petitioners/Accused 2 and 3 are granted bail in Crime No.270 of 2012 of the Manancherry police station (Alappuzha District) 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 and 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 any of the petitioner. B.A No. 7230 of 2013 3 c) Petitioners shall report to the Investigating Officer on every Saturday between 09:00 a.m. and 12:00 p.m. until filing of the final report. d) Petitioners shall report to the investigating officer as and when required for interrogation. e) Petitioners shall not, during the period of this bail get involved in any other offence. f) It is made clear that in case any of the above condition is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned

magistrate (until committal if any and thereafter before the learned Principal Sessions judge concerned) 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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