

Ratheesh Vs. State of Kerala

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Court : Kerala

Decided On : Oct-28-2013

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Ratheesh

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. 5960 of 2013 ()
----- CRIME NO. 381/2013 OF VIDYA NAGAR POLICE STATION , KASARGOD DISTRICT. APPLICANT/ACCUSED NO.1:
----- RATHEESH, AGED 46 YEARS, S/O.M.U.NARAYANAN, SIVA CONSTRUCTIONS MANAPPURATH HOUSE, MANNOM.P.O., NORTH PARAVUR ERNAKULAM DISTRICT. PIN-683 518. BY ADVS.SRI.PRASUN.S SRI.PAUL MATHEW (PERUMPILLIL) RESPONDENT/COMPLAINANT-STATE:

----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM PIN-682 031. REPRESENTING THE STATION HOUSE OFFICER VIDYANAGAR POLICE STATION, KASARAGODE DISTRICT. BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

tss THOMAS P. JOSEPH, J.

----- Bail Appl. No.5960 of 2013
----- Dated this the 28th day of October 2013

ORDER

Petitioner is the 1st accused, in Crime No.381 of 2013 of the Vidhyanagar Police station for the offences punishable under Secs. 143, 147, 148, 452 and 324 read with Sec.149 of the Indian Penal Code on the allegation that on 13.06.2013 at about 8.30 am, the petitioner and others trespassed into the office of the Project Manager of Corrttech International Private Limited and voluntarily caused hurt/grevious hurt to him with an iron rod.

2. Learned counsel submits that the allegations are false and that the petitioner was not present at the spot.

3. Learned Public Prosecutor has submitted that it was over a dispute regarding contract work that the petitioner and others committed offences as alleged. It is submitted that the petitioner was identified by the defacto complainant who belongs to the state of Bihar. It is also submitted that the iron rod is yet to be recovered.

4. Since the petitioner is identified by the Bail Appl. No.5960 of 2013 2 defacto complainant and having regard to the other relevant circumstances, I am inclined to think that custodial interrogation of the petitioner is not required. Hence, I am inclined to grant relief but, subject to stringent conditions. Resultantly, this application is allowed as under.

1. Petitioner shall surrender before the officer investigating Crime No.381 of 2013 of Vidhyanagar Police station on 04.11.2013 at 10.00 a.m., for interrogation.

2. In case interrogation of the petitioner is not completed that day, it is open to the investigating officer to direct presence of the petitioner on any other day/dates and time which the petitioner shall comply.

3. In case arrest of the petitioner is recorded, petitioner shall be produced before the jurisdictional magistrate the same day.

4. On such production, learned Bail Appl. No.5960 of 2013 3 magistrate shall release the petitioner on bail on his executing bond for Rs.25,000/- (Rupees twenty thousand only) with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to conditions: a) One of the sureties shall be a close relative of the petitioner. b) Petitioner shall report to the investigating officer on every alternate Saturday between 10.00 am and 12.00 pm for a period of two months or until filing of the final report, whichever is earlier. c) Petitioner shall report to the investigating officer as and when required for interrogation. d) Petitioner shall co-operate with the investigation of the case. e) Petitioner shall not get involved any offence during the period of this bail. f) In case any of the above condition is Bail Appl. No.5960 of 2013 4 violated, it is open to the investigating officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE NS

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