

Suresh Vs. State of Kerala

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Court : Kerala

Decided On : Nov-01-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Suresh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 1ST DAY OF NOVEMBER 2013 10TH KARTHIKA, 1935 Bail Appl..No. 7246 of 2013 ----- CRIME NO. 107/2009 OF CUMBAMETTU POLICE STATION , IDUKKI PETITIONERS/ACCUSED 13 & 4: ----- 1. SURESH @ SURA, AGED 40 YEARS, S/O. VELAYUDHAN, KOCHUPARAMBIL HOUSE, PALLIMETTU BHAGAM, ANYARTHOLU KARA, PAMPADUMPARAVILLAGE, IDUKKI DISTRICT.

2. ANILKUMAR @ ANI, AGED 38 YEARS, S/O. SIVANKUTTY, CHERUVALLIYIL HOUSE, ANYARTHOLU KARA, PAMPADUMPARAVILLAGE, IDUKKI DISTRICT.

3. SINDHU, AGED 37 YEARS, W/O. RADHAKRISHNAN, THENNUKALAPUTHENVEETIL HOUSE, PALLIMETTU BHAGAM, ANYARTHOLU KARA, PAMPADUMPARAVILLAGE, IDUKKI DISTRICT. BY ADVS.SRI.BIJU MARTIN SMT.P.R.REENA SRI.M.M.SALIM SRI.D.M.NOWFAL

RESPONDENTS/STATE & COMPLAINANT :

----- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM-682 031.

2. SUB INSPECTOR OF POLICE, CUMBAMETTU POLICE STATION, IDUKKI-
685 002. R1 & R2 BY ADDL.DIRECTOR OF PROSECUTION SRI.ABDUL
RASHEED K.I. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON0111-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Kss THOMAS P. JOSEPH, J.

----- Bail Appl. No. 7246 of 2013

----- Dated this the 01st day of November 2013

ORDER

Petitioners are accused 1, 2 and 3 in Crime No.107 of 2009 of the Cumbamettu Police Station for the offences punishable under Secs. 302, 201 and Sec. 120(b) of the Indian Penal Code, are in custody and seek bail.

2. Case is that petitioners and others caused death of one Radhakrishnan in the year 2009 and buried his body in a stream in the forest.

3. Learned counsel submits that the 1st petitioner was arrested on 27.07.2013 while the petitioners 2 and 3 were arrested on 29.07.2013 and 28.07.2013, respectively. It is submitted that the earlier application for bail - B.A. No.6227 of 2013 was rejected by order dated 24.09.2013 for the reason that the DNA test is not over and that some of the witnesses are to be questioned.

4. Learned Additional Director General of Prosecution has submitted that investigation is not completed.

5. Having regard to the fact that the petitioners are in custody since long, and since their further detention is not required for investigation, I am inclined to grant relief to the petitioners but, subject to the conditions. Bail Appl. No. 7246 of 2013 2 Resultantly this application is allowed as under. 1.Petitioners (accused 1, 3 and 4)

are granted bail in Crime No.107 of 2009 of the Cumbamettu Police station and will be released, if not required to be detained otherwise on their executing bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for the like sum each to the satisfaction of the jurisdictional magistrate subject to the following conditions. a) Petitioners (accused 1, 3 and 4) shall report to the officer investigating the case as and when required for interrogation. b) Petitioners (accused 1, 3 and 4) shall report to the S.H.O., Nedumkandam Police station on every Saturday between 10 a.m. and 12 p.m. until otherwise ordered by the learned magistrate until committal and thereafter, by the learned Principal Sessions Judge concerned. c) Except if not necessary for compliance with the conditions above stated, until otherwise ordered and except with the permission of the learned magistrate or the learned Principal Sessions Judge as aforesaid, petitioners shall not enter the local Bail Appl. No. 7246 of 2013 3 limits of Cumbamettu Police station. d) Petitioners shall not get involved in any offence during the period of this bail. e) Petitioners shall not intimidate, influence the witnesses or interfere with the investigation. f) Petitioners shall not go beyond Idukki district until otherwise ordered or except with the permission of the learned magistrate or the learned Principal Sessions Judge, as aforesaid. g) In case any of the above condition is violated, it is open to the investigating officer to file application before the learned magistrate or the learned Principal Sessions Judge concerned as aforesaid, 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 Bail Appl. No. 7246 of 2013 4

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