

Jins Peter Vs. State of Kerala

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Court : Kerala

Decided On : Nov-13-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Jins Peter

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 13TH DAY OF NOVEMBER 2013 22ND KARTHIKA, 1935 Bail Appl..No. 7681 of 2013 ----- CRIME NO. 379/2013 OF ALUVA EAST POLICE STATION, ERNAKULAM DISTRICT PETITIONER: 3RD ACCUSED: ----- JINS PETER, AGED 26 YEARS, S/O. PATHROS CHAMBIL HOUSE, NELLADU PO, VETTOR, MUVATUPUZHA, ERNAKULAM DISTRICT. BY ADVS. SRI. T. A. UNNIKRISHNAN SRI. K. S. PRAVEEN RESPONDENT: COMPLAINANT: ----- STATE OF KERALAM REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE, ALUVA EAST POLICE STATION. BY PUBLIC PROSECUTOR SMT. LALIZA T. Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Ks THOMAS P. JOSEPH, J ----- B.A.No.7681 of 2013 ----- Dated this the 13th day of November, 2013

ORDER

Petitioner is the 3rd accused, in Crime No.379 of 2013 of the Aluva East Police Station for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 326, 506(i) and 308 r/w Section 149 of the Indian Penal Code, is in custody from 01-11-2013 and seeks bail.

2. Learned Public Prosecutor has submitted that petitioner who is the Manager of a bar along with other accused assaulted the defacto complainant and others (customers of the bar) for claiming the balance amount. It is alleged that iron pipes were used and the defacto complainant and others suffered hurt/grievous hurt. The alleged incident occurred on 03-02-2013 at about 03.00 p.m. Iron pipes are recovered but accused 1 and 2 are yet to be arrested.

3. Learned counsel submits that the petitioner is in custody from 01-11-2013. It is also submitted that the maternal grandmother of the petitioner is in a sinking condition and that since the petitioner is the only male member, his presence is necessary. Annexure-II certificate is relied on.

4. Having regard to the circumstances in which the B.A.No.7681 of 2013 2 petitioner is faced, I am inclined to show some leniency to him but subject to stringent conditions. Resultantly, this application is allowed as under: Petitioner is granted bail in Crime No.379 of 2013 of the Aluva East Police Station and shall 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 learned magistrate and subject to the following conditions: a) Petitioner shall report to the officer investigating the case on every Saturday between 10 a.m and 12 p.m until filing of the final report or a period of two months, whichever is earlier. b) Petitioner shall report to the officer investigating the case as and when required for interrogation. c) Petitioner shall not intimidate/influence the witnesses. d) Petitioner shall co-operate with investigating of the case. e) Petitioner shall not, during the period of this bail get involved in any offence. B.A.No.7681 of 2013 3 f) In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate (until

committal of the case if any, and thereafter before the learned Principle Sessions Judge concerned) as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH, JUDGE AS

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