

Sajeev Vs. State of Kerala

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Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr.Justice Harun-UI-Rashid

Appellant : Sajeev

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 29^H DAY OF NOVEMBER 2013 8TH AGRAHAYANA, 1935 Bail Appl..No. 7935 of 2013 (D) ----- [CRIME NO. 1327/2013 OF ERNAKULAM TOWN NORTH POLICE STATION] ----- PETITIONERS/ACCUSED 3 AND 4 ----- 1. PADMAM, W/O.JAYAPRAKASH, AGED 52 YEARS, C-44/1412, NADUVILA MULLOTH VEEDU, OPP. PAN RICH MONDE FLAT, ASHOKA ROAD, KALOOR-682 017.

2. SUNITHA, D/O.JAYAPRAKASH, AGED 20 YEARS, C-44/1412, NADUVILA MULLOTH VEEDU, OPP. PAN RICH MONDE FLAT, ASHOKA ROAD, KALOOR-682 017. BY ADVS.SMT.GISA SUSAN THOMAS, SMT.NITHYA PRATHAPAN. RESPONDENTS/COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 31.

2. CIRCLE INSPECTOR OF POLICE, ERNAKULAM TOWN NORTH, ERNAKULAM-682 018.

3. SUB INSPECTOR OF POLICE, ERNAKULAM TOWN NORTH POLICE STATION, ERNAKULAM-682 018. BY PUBLIC PROSECUTOR SMT. LALIZA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P. JOSEPH, J ----- B.A.No.7935 of 2013 ----- Dated this the 29th day of November, 2013

ORDER

Petitioners are accused Nos. 3 and 4 in Crime No.1327 of 2013 of the Ernakulam Town North Police Station for the offences under Sections 498(A), 354, 511 of 376 r/w Section 34 of the Indian Penal code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has submitted that the offences under Sections 354 and 511 of Section 376 are attributed to the second accused. It is also submitted that as per the report submitted by the investigating officer on 25-11- 2013, investigation conducted so far did not reveal involvement of the second petitioner/4th accused.

3. In the light of the above submission, the second Petitioner/4th accused cannot have apprehension of arrest. So far as the first petitioner/3rd accused is concerned, allegation is under Section 498(A) of the Indian Penal Code.

4. Having regard to the nature of the allegation made, I am inclined to think that custodial interrogation is not required. Hence, I am inclined to grant relief. Resultantly, the application is disposed of as under: B.A.No.7935 of 2013 2 I) Since it is revealed from the report dated 25-11- 2013 of the investigating officer that investigation conducted so far did not disclose involvement of the second petitioner/4th accused in the incident, she cannot have any apprehension of arrest. Hence request for anticipatory bail need not be considered at this stage. II) a) It is directed that in case the first petitioner/3rd accused is arrested in Crime No.1327 of 2013 of the Ernakulam Town North Police Station, she shall be released by the

arresting officer, if not required to be detained otherwise on her executing bond for Rs.15,000/- (Rupees fifteen thousand only) with two sureties for the like sum each before the arresting officer and subject to the following conditions: a) First petitioner/3rd accused shall report to the officer investigating the case as and when required for interrogation at all reasonable time and place. b) First petitioner/3rd accused shall not intimidate/influence the witnesses. c) First petitioner/3rd accused shall not, during the period of this bail get involved in similar offence. d) In case any of the above conditions is violated, bail B.A.No.7935 of 2013 3 granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE AS /True Copy/ P.A. to Judge

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