

Harilal Vs. Sruthi

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Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr.Justice Antony Dominic

Appellant : Harilal

Respondent : Sruthi

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. 7909 of 2013 ()
----- CRIME NO. 751/2013 OF POOVAR POLICE STATION , THIRUVANANDAPURAM PETITIONER/ ACCUSED NO 2 & 3:
----- 1. ABDUL KARIM @ KARIM, AGED 25 YEARS S/O SHAHUL HAMMED, APPAMARAPOTTA VEEDU, ATTUPURAM UCHAKADA P.O, POOVAR, TRIVANDRUM 2 MALIK MOHAMMED @ MALIK, S/O SHAHUL HAMEED, APPAMARAPOTTA VEEDU ATTUPURAM, UCHAKADA P.O, POOVAR, TRIVANDRUM BY ADV. SRI.S.MOHAMMED AL RAFI RESPONDENTS/ COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR SMT.LELIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: MNS THOMAS P. JOSEPH, J.

===== Bail Application No. 7909 of 2013
===== Dated this the 28th day of November, 2013

ORDER

Petitioners are accused Nos. 2 and 3, in Crime No.751 of 2013 of the Poovar police station for the offences punishable under Secs.341, 323, 324, 307 and 153A r/w. Sec. 34 of the Penal Code, apprehend arrest and have filed this application.

2. Case is that on 20.10.2013 at 10:00 p.m., while the de facto complainant and his friend, Justin were going on a motor cycle, the petitioner and others attacked them with iron rod and stick.

3. Learned Public Prosecutor has submitted that the first accused used iron rod and 2nd and 3rd accused used stick. Though the stick is recovered, the iron rod is not so far recovered.

4. Learned counsel submits that the police registered Crime No. 706 of 2013 against Justin for attacking the first B.A No.7909 of 2013 2 petitioner on 27.10.2013. Case was registered for the offences punishable under Secs. 323, 341, 323, 320, 153A and 294(b) r/w Sec.34 of the Penal Code.

5. I have gone through the CD file concerning the nature of allegations made against the petitioners. Having regard to the circumstances, I am inclined to grant relief to the petitioners but subject to conditions:

1. Petitioners/accused 2 and 3 shall surrender before the officer investigating Crime No. 751 of 2013 of the Poovar police station on 06.12.2013 at 10:00 a.m. for interrogation. 2) In case interrogation is not completed that day, it is open to the investigating officer to direct presence of the petitioners before him on other date/dates and time which the petitioners shall comply. 3) Petitioners shall cooperate with the investigation of the case. 4) In case of arrest, petitioners shall be produced before the jurisdictional magistrate the same day. 4) On such production, the petitioners shall be released on bail (if not required to be detained otherwise) in Crime No. 751 of 2013 of the Poovar police station B.A No.7909 of

2013 3 on their executing bond for Rs.20,000/- (Rupees Twenty thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions:- a) One of the sureties shall be a close relative of any of the petitioners. b) Petitioners shall report to the investigating officer on every Saturday between 10:00 a.m. and 12:00 p.m. until filing of the final report. c) Petitioners shall report to the investigating officer as and when required for interrogation. d) Petitioners shall not, except for compliance of the above said conditions enter the local limits of Poovar police station until otherwise ordered and except with the permission of the jurisdictional magistrate (until committal if any and thereafter of the learned Principal Sessions Judge concerned). b) Petitioners shall not intimidate/influence the witnesses. c) Petitioners shall not get involved in any offence during the period of this bail. d) It is made clear that in case any of the above B.A No.7909 of 2013 4 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 or before the learned Principal Sessions Judge as aforesaid 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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