

Aji Vs. State of Kerala

Aji Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1099653

Court : Kerala

Decided On : Nov-28-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Aji

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN THURSDAY, THE 28TH DAY OF NOVEMBER 2013 7TH AGRAHAYANA, 1935 Bail Appl..No. 7903 of 2013 ()
----- CRIME NO. 1832/2013 OF SASTHAMCOTTAH POLICE STATION , KOLLAM DISTRICT -----
PETITIONER/ACCUSED : ----- AJI, AGED 30 YEARS, S/O. VASUDEVAN, RESIDING AT AJI BHAVANAM, THURITHIKKARA.P.O., KUNNATHOOR, KOLLAM DISTRICT. BY ADV. SRI.V.A.AJIVAS RESPONDENT/ COMPLAINANT & STATE: ----- STATE OF KERALA, REPRESENTED BY THE STATION HEAD OFFICER, SASTHAMCOTTAH, KOLLAM, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/11-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
sts P.BHAVADASAN, J.

ORDER

The petitioner is the 4th accused in Crime No.1832/2013 of Sasthamcotta Police Station who is alleged to have committed the offences punishable under Sections 143, 147, 447, 294(b), 323, 354, 427 read with Section 149 of Indian Penal Code. The allegation against the petitioner is that on 26.10.2013 when he and others were playing cards in the nearby house, hearing commotion, that was questioned by the de facto complainant to which objection was taken by the petitioner and others and they trespassed into her house and attacked her.

2. According to the petitioner, he is innocent and has been falsely implicated in the matter. He would say that there is no basis for the allegations against him. At any rate, it is pointed out that he has been in custody from 11.11.2013 onwards and his continued custody is unnecessary. B.A. No.7903/2013 2 3. Learned Public Prosecutor opposed the petition and pointed out that the investigation is not yet complete.

4. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and also after having perused the records, the claim of the petitioner that he is innocent cannot be accepted. But the fact remains that he has been in custody from 11.11.2013 onwards and a good part of the investigation must have been completed by now. Considering the above facts, it is felt that the continued custody of the petitioner is unnecessary. Therefore, the application is allowed on the following conditions: i) The petitioner shall be released on bail on his executing a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two solvent sureties for the like sum each to the satisfaction of the Court concerned. ii) The Court concerned shall ensure the identity of the sureties and also the veracity of the tax receipts produced by him. iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m and 10 a.m until further orders. B.A. No.7903/2013 3 iv) The petitioner shall not tamper or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the condition is violated, the bail granted shall stand cancelled and the Court concerned, on being

satisfied of the said fact, may take such steps as are available to it in law. Sd/-
P.BHAVADASAN JUDGE smp // True Copy // P.A.to Judge.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com