

Shine Vs. State of Kerala

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Court : Kerala

Decided On : Dec-12-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shine

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 12TH DAY OF DECEMBER 2013 21ST AGRAHAYANA, 1935 Bail Appl..No. 8280 of 2013 () ----- CRIME NO. 758/2013 OF POOVAR POLICE STATION, THIRUVANANTHAPURAM. PETITIONER/3RD ACCUSED: ----- SHINE, S/O.SIMON, AGED 23 YEARS, THUNDU KANJIRAMNINNA VEEDU, PAZHAYAKADA, THIRUPURAM P.O., NEYYATTINKARA. BY ADV. SRI.G.SUDHEER. RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR MR.SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12-12-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. THOMAS P. JOSEPH, J.

----- Bail Appl. No.8280 of 2013 -----
----- Dated this the 12th day of December 2013 -----

ORDER

Petitioner is the 3rd accused, in Crime No.758 of 2013 of the Poovar Police station for the offence punishable under Sec.394 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor, while opposing the application has submitted that on 24.10.2013 at about 4 p.m., the petitioner and accused nos.1 and 2 chased the defacto complainant who was riding a motor cycle, restrained and wanted him to take one of the accused on his motor cycle. When that was refused, the 2nd accused snatched Rs.510/- (Rupees five hundred and ten only) from the pocket of the defacto complainant and assaulted him.

3. Learned counsel submits that the allegations are not true. It is submitted that at any rate no overt act is attributed to the petitioner.

4. Having regard to the alleged role of the petitioner, I am inclined to think that his custodial interrogation is not required. Hence, I am inclined to grant relief to the petitioner. Bail Appl. No.8280 of 2013 2 Resultantly, the application is allowed as under.

1. Petitioner shall surrender before the officer investigating Crime No.758 of 2013 of the Poovar Police station on 18.12.2013 at 10.00 am for interrogation.

2. In case interrogation of the petitioner is not completed that day, it is open to the investigating officer to direct presence of the petitioner on any other day/days and time which the petitioner shall comply.

3. In case after interrogation arrest of the petitioner is recorded, he shall be released on bail by the arresting officer (if not required to be detained otherwise) on his 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) Petitioner shall report to the officer investigating Crime No.758 of 2013 of the Poovar Police station on every alternate Saturday between 10.00 am and 12.00 pm for a period of two months Bail Appl. No.8280 of 2013 3 or

until filing of the final report whichever is earlier. b) Petitioner shall report to the investigating officer as and when required for interrogation. c) Petitioner shall cooperate with the investigation of the case. d) Petitioner shall not get involved any offence during the period of this bail. e) Petitioner shall not influence or intimidate the witnesses. f) In case any of the above conditions is violated, it is open to the investigating officer to file application before the learned magistrate 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 / True Copy / NS P.A. To Judge

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