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Thomas @ Shybu Vs. State of Kerala

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Court : Kerala

Decided On : Jan-01-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Thomas @ Shybu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE1T DAY OF JANUARY201411TH POUSHA, 1935 Bail Appl..No. 8627 of 2013 ---------- CRIME NO. 916/2013 OF KUTHIYATHODE POLICE STATION , ALAPPUZHA ... PETITIONER:ACCUSED: ---------- 1. THOMAS @ SHYBU, AGED31YEARS, S/O.DAVID, NIKARTHIL HOUSE, THURAVOOR P O., CHERTHALA.

2. OUSEPH @ SARJIN, AGED28YEARS, S/O.DAVID, NIKARTHIL HOUSE, THURAVOOR P O., CHERTHALA.

3. ELIAMMA, AGED53YEARS, W/O.DAVID, NIKARTHIL HOUSE, THURAVOOR P O, CHERTHALA. BY ADVS.SRI.R.MURALEEKRISHNAN SMT.K.N.RAJANI SMT.T.M.RESHMY RESPONDENTS: ---------- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.E.M.ABDUL KHADER THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON0101-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J.

---------- Bail Appl. No. 8627 of 2013 ---------- Dated this the 1st day of January 2014

ORDER

Petitioners are accused nos.1 to 3, in Crime No.916 of 2013 of the Kuthiathode Police station for the offence punishable under Sec.498A read with Sec.34 of the Indian Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application.

3. Having heard on both sides and having regard to the nature of allegations, I am inclined to think that custodial interrogation of the petitioners is not required. Hence, I am inclined to grant relief to the petitioners but subject to conditions. Resultantly, the application is allowed as under:

1. 1st Petitioner shall surrender before the officer investigating Crime No.916 of 2013 of the Kuthiathode Police Station on 07.01.2014 at 10.00 am for interrogation.

2. In case interrogation of the 1st petitioner is not completed that day, it is open to the Bail Appl. No. 8627 of 2013 2 investigating officer to direct presence of the 1st petitioner on any other day/days and time which the 1st petitioner shall comply.

3. In case arrest of the 1st petitioner is recorded, he shall be released 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) 1st Petitioner shall report to the investigating officer as and when required for interrogation. b) 1st Petitioner shall not get involved any similar offence during the period of this bail. c) 1st Petitioner shall not intimidate or influence the witnesses. II. It is directed that in case the petitioners 2 and 3 are arrested, they shall be released by the

arresting officer (if not required to be detained otherwise) on their executing bond for Rs.15,000/- (Rupees fifteen thousand only) each with two Bail Appl. No. 8627 of 2013 3 sureties each for the like sum each before the arresting officer subject to the following conditions. a) Petitioners 2 and 3 shall report to the investigating officer as and when required for interrogation. b) Petitioners 2 and 3 shall not get involved any similar offence during the period of this bail. c) Petitioners 2 and 3 shall not intimidate or influence the witnesses. III. In case any of the above condition 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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