

Rahul Vs. State of Kerala

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Court : Kerala

Decided On : Jan-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Rahul

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 27TH DAY OF JANUARY 2014 7TH MAGHA, 1935 Bail Appl..No. 425 of 2014 ----- CRIME NO. 1618/2013 OF CHAVARA POLICE STATION , KOLLAM DISTRICT PETITIONER(S)/ACCUSED NO.4: ----- RAHUL, AGED 22 YEARS, S/O.RAJAN, MUPPATTIYIL HOUSE, PANMANA VILLAGE, POLODI, EDAPPALLIKKOTTA.P.O, CHAVARA, KOLLAM DISTRICT, PIN-691583. BY ADVS.SRI.C.S.MANU SRI.S.K.PREMRAJ RESPONDENTS/COMPLAINANT AND THE INVESTIGATING OFFICER: ----- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM (NOTICE TO WHOM MAY BE SERVED ON THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM) - 695 001.

2. SUB INSPECTOR OF POLICE, CHAVARA POLICE STATION, KOLLAM DISTRICT - 691 583. R1 & R2 BY PUBLIC PROSECUTOR SRI.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.01.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J.

===== Bail Application No. 425 of 2014
===== Dated this the 27th day of January, 2014

ORDER

Petitioner is the 4th accused in Crime No.1618 of 2013 of the Chavara Police station for the offences punishable under Secs.143, 147, 148 324, 341 and 308 r/w. Sec.149 of the Penal Code, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 27.08.2013 at the relevant time the petitioner and others attacked the de facto complainant and others over a dispute regarding money payable by the first accused to the brother of the de facto complainant 3. Learned Public Prosecutor has submitted that sword and rubber stick were used. Rubber stick is recovered. It is submitted that petitioner is also involved in Crime No. 581 of 2013 of the same station for the offence B.A No. 425 of 2014 2 including Sec.326 of the Penal Code.

4. Learned counsel submits that the 5th accused was granted relief as per the Order in B.A. No. 8209 of 2013 .

5. On hearing both sides, it appears that the over act attributed to the petitioner is that he assaulted the de facto complainant with hand.

6. Having regard to the above, I am inclined to think that custodial interrogation of the petitioner is not required but he has to co-operate with the investigation of the case. Application is disposed of as under:

1. Petitioner shall report to the officer investigating Crime No.1618 of 2013 of the Chavara Police station on 03.02..2014 at 10:00 a.m. for interrogation. 2) In case interrogation is not completed that day, the said officer can direct the petitioner to

appear before him on any other date/dates and time which he shall comply. 3) Petitioner shall co-operate with the investigation of the case. B.A No. 425 of 2014

3 4) In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day. 5) On such production, the petitioner shall be released if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees Fifteen thousand only) with two sureties 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 the petitioner. b) Petitioner 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) Petitioner shall report to the investigating officer as and when required for interrogation. d) Petitioner shall not intimidate/influence the witnesses. e) Petitioner shall not, during the period of this bail get involved in any offence. h) In case of violation of any of the above conditions, the bail granted hereby is liable to be cancelled by B.A No. 425 of 2014

4 moving application before the learned magistrate by the investigating officer (until committal if any and thereafter before the learned Principal Sessions Judge concerned) 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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