

Jithu Vs. State of Kerala

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Court : Kerala

Decided On : Jan-29-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Jithu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 29TH DAY OF JANUARY 2014 9TH MAGHA, 1935 Bail Appl..No. 478 of 2014 ()
----- CRIME NO. 22/2014 OF HEMAMBIKA NAGAR POLICE STATION, PALAKKAD DISTRICT ----- APPLICANTS/ACCUSED :
----- 1. JITHU S/O. DEVADAS M., AGED 21 YEARS RESIDING AT CHATHINKKAD HOUSE ANAND NAGAR, KALLEKULANGARA P.O., PALAGHAT-678 009.

2. SARATH, S/O. SUBRAHMANIAN K., AGED 22 YEARS RESIDING AT RAILWAY QUARTERS NO.294/A KALLEKULANGARA P.O., PALAGHAT-678 009.

3. DIDYMAS THOMAS, S/O. THOMAS, AGED 20 YEARS RESIDING AT 'MAHANAIM', PLAPARAMBU MUTTIKULANGARA P.O., PALAGHAT.

4. SUJITH, S/O. MANIKANDAN, AGED19YEARS RESIDING AT SARAVANA BHAVAN BRINDAVAN NAGAR, DHONI P.O., AKATHETHARA PALAGHAT-678 008.

5. SIJITH M.V., S/O. BHASKARAN, AGED21YEARS RESIDING AT MANDALAMKODE HOUSE CHERUNGATUKAVU, AKATHETHARA, PALAGHAT. BY ADV. SRI.P.K.RAMKUMAR RESPONDENT/COMPLAINANT : ----- STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE HEMAMBIKA NAGAR POLICE STATION, PALAKKAD THROUGH PUBLIC PROSECUTOR HIGH COURT OF KERALA, COCHIN - 682 031. BY PUBLIC PROSECUTOR SRI. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2901-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH, J.

----- Bail Appl. No.478 of 2014
----- Dated this the 29th day of January 2014

ORDER

Petitioners are accused nos.4 to 8 in Crime No.22 of 2014 of the Hemambika Nagar Police station for the offences punishable under Secs.143, 147, 148, 447, 452, 323, 324 and 307 read with Sec.149 of the Indian Penal Code, apprehend arrest and have filed the application.

2. The application is opposed by the learned Public Prosecutor. It is submitted that on 09.01.2014 at the relevant time, the petitioners and others trespassed into the college hostel where the defacto complainant was staying and inflicted injuries on him. Accused nos.5 to 8 (allegedly) used deadly weapons.

3. Learned counsel submits that the allegations are not true and that some of the accused also sustained injuries but were refrained from attending the government hospital nearby and therefore had to take treatment elsewhere in private hospitals. According to the learned counsel, allegation of trespass into the hostel Bail Appl. No.478 of 2014 2 is not true.

4. Having regard to the circumstances of the case, I am inclined to grant relief to the 1st petitioner/4th accused. So far as the petitioners 2 onwards/accused nos.5 to 8 are concerned, I am inclined to issue directions. The application is disposed of as under.

1. Petitioners/accused nos.4 to 8 shall surrender before the officer investigating Crime No.22 of 2014 of the Hemambika Nagar Police station on 05.02.2014 at 10.00 am for interrogation.

2. In case interrogation of the petitioners/accused nos.4 to 8 is not completed that day, it is open to the investigating officer to direct presence of the petitioners/accused nos.4 to 8 on any other day/days and time which the petitioners/accused nos.4 to 8 shall comply.

3. In case the 1st petitioner/accused no.4 Bail Appl. No.478 of 2014 3 is arrested, he shall be released by the arresting officer on bail (if not required to be detained otherwise) on his executing bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties for the like sum each before the arresting officer and subject to the following conditions: a) One of the sureties shall be a close relative of the 1st petitioner/accused no.4. b) The 1st petitioner/accused no.4 shall report to the investigating officer as and when required for interrogation. c) The 1st petitioner/accused no.4 shall co- operate with the investigation of the case. d) The 1st petitioner/accused no.4 shall not get involved any offence during the period of this bail. e) The 1st petitioner/accused no.4 shall not influence or intimidate witnesses. II. In case any of condition nos.(b) to (e) is violated, it is open to the investigating officer to Bail Appl. No.478 of 2014 4 file application before the learned magistrate for cancellation of the bail granted hereby to the 1st petitioner/accused no.4, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. III. In case petitioners 2 to 5 are arrested, they shall be produced before the jurisdictional magistrate as early as possible. Sd/- THOMAS P. JOSEPH JUDGE /True Copy / NS P.A. To Judge