

Pradeep Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Pradeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 30TH DAY OF JANUARY 2014 10TH MAGHA, 1935 Bail Appl..No. 615 of 2014 () ----- CRIME NO. 25/2014 OF KUNNAMKULAM POLICE STATION, THRISSUR DISTRICT ----- PETITIONER/ACCUSED : ----- PRADEEP, AGED 39 YRS., S/O.KELAN PAPPACHAN, PAREMPADAM, THRISSUR DISTRICT. BY ADV. SRI.SANTHEEP ANKARATH RESPONDENT/COMPLAINANT : ----- STATE OF KERALA REPRESENTED BY SUB INSPECTOR OF POLICE KUNNAMKULAM POLICE STATION, KUNNAMKULAM THRISSUR DISTRICT, THROUGH THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682031. BY PUBLIC PROSECUTOR SMT. LALIZA T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-01-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P.JOSEPH, J.

===== Bail Application No.615 of 2014
===== Dated this the 30th day of January, 2014

ORDER

Petitioner is accused in Crime No.25 of 2014 of the Kunnamkulam police station for the offences punishable under Secs. 452, 451, 323 and 294(b) of the Penal Code on the allegation that on 03.01.2014 at about 02:15 a.m. he trespassed into the house of the de facto complainant and attacked him.

2. Learned Public Prosecutor, while opposing the application has submitted that the petitioner is involved in 7 other crimes including proceeding under Sec.107 of the Cr.P.C. and is one of the rowdies of Kunnamkulam police station as per order of the Sub Divisional Police Officer, Kunnamkulam.

4. Learned counsel submits that the allegations are not true and that in all the cases except one the petitioner was acquitted after trial. It is submitted that the band set was being performed at high pitch in the house of the de facto complainant. Marriage of sister of a friend of the petitioner was being held in the house next B.A No.615 of 2014 2 to that of the de facto complainant. The petitioner requested the de facto complainant to reduce the sound. Having regard to the circumstances, I am inclined to think that custodial interrogation of the petitioner is not required in this case. Hence I am inclined to grant relief but without affecting investigation of the case. Application is disposed of as under:

1. Petitioner shall surrender before the officer investigating Crime No.25 of 2014 of the Kunnamkulam police station on 05.02.2014 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. 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 B.A No.615 of 2014 3 thousand only) with three sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following

conditions:- a) Whether or not he/she has landed properties, one of the sureties shall be the father/brother/mother 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 final report is filed. c) Petitioner shall report to the investigating officer as and when required for interrogation. d) Petitioner shall not get involved in any offence during the period of this bail. e) It is made clear that in case any of condition Nos. (b) to (d) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate 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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