

Sunilal Vs. State of Kerala

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Court : Kerala

Decided On : Jan-30-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sunilal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 30^H DAY OF JANUARY 2014 10TH MAGHA, 1935 Bail Appl..No. 609 of 2014 ----- CRIME NO. 46/2014 OF KOLLAM WEST POLICE STATION , KOLLAM DISTRICT. ----- PETITIONERS/ACCUSED NO 1 TO 3 & 5: ----- 1. SUNILAL @ CHANTHAKKADAN SUNI, AGED 32 YEARS, S/O.SANKARAN NAIR, RESIDING AT RENTED BUILDING KUALTHINTE - KIZHAKKATHIL VEEDU, VIVEKANANDA NAGAR 78 MAMOOTTIL KADAVU, KUREEPPUZHA CHERRY, KOLLAM WEST VILLAGE, FROM MATTATHUVADAKKATHIL VEEDU, KUREEPPUZHA CHERRY, SAKTHIKULANGARA VILLAGE.

2. SAJI @ SAJIKUMAR, AGED 24 YEARS, S/O.CHANDRAN PILLA, KULATHINTE KIZHAKETHIL VEEDU, VIVEKANANDA NAGAR 83 MAMOOTTIKADAVU, KUREEPPUZHA CHERRY, KOLLAM WEST VILLAGE.

3. SUMESH, AGED 21 YEARS, S/O.SUDARSANAN, NOW RESIDING AT RENTED BUILDING ,KAVILAYIL VEEDU, VIVEKANANDA NAGAR 52 KURREEPUZHA CHERRY, KOLLAM WEST VILLAGE FROM PARAMBIL KIZHAKKETHIL VEEDU, NEAR MANILIL TEMPLE, KUREEPUZHA CHERRY, KOLLAM WEST VILLAGE.

4. ANANTHU @ ANANTHAKRISHNAN, AGED 22 YEARS, VAZHAPPALLI KIZHAKKATHIL VEEDU, M.G.NAGAR - 56, MAMOOTTIKADAVU, KUREEPUZHA CHERRY, KOLLAM BY ADVS.SRI.C.RAJENDRAN SRI.K.R.RANJITH RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.LALIZA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30.01.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. THOMAS P. JOSEPH, J.

===== Bail Application No. 609 of 2014

===== Dated this the 30th day of January, 2014

ORDER

Petitioners are accused 1 to 3 and 5 in Crime No.46 of 2014 of the Kollam West police station for the offences punishable under Secs.143, 147, 148, 294(b), 341, 324, 308 and 153 r/w. Sec. 149 of the Penal Code, are in custody from 17.01.2014 and seek bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 12.01.2014 at about 10:30 p.m. the petitioner and others attacked the de facto complainant and others due to political enmity. The first petitioner/first accused is involved in Crime No. 119 of 2013 of the same station.

3. Learned counsel submits that further detention of the petitioner is not required.

4. On hearing both sides, it is revealed that the weapons (allegedly) used by the petitioners 1 and 4 are B.A No. 609 of 2014 2 recovered. In that view of the matter, I am inclined to grant bail but subject to conditions and from a future date since

investigation is not completed. Application is allowed as under: Petitioners are granted bail in Crime No.46 of 2014 of the Kollam West police station and shall be released, if not required to be detained otherwise on their executing bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two sureties each for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions:- a) One of the sureties shall be a close relative of any of the petitioners. b) Petitioners shall report to the Investigating Officer on every Saturday between 04:00 p.m. and 05:00 p.m. until filing of the final report. c) Petitioners shall report to the investigating officer as and when required for interrogation. d) Petitioners shall not get involved in any offence during the period of this bail. e) Petitioners shall not intimidate/influence the witnesses. e) It is made clear that in case any of condition Nos. B.A No. 609 of 2014 3 (b) to (e) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate (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). f) Since investigation is not completed, this order granting bail will take effect only from 04.02.2014. Sd/- THOMAS P.JOSEPH, JUDGE //true copy// P.A. to Judge Smv

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