

Sreejith @ Chittappen Vs. State of Kerala

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Court : Kerala

Decided On : Feb-05-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sreejith @ Chittappen

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 5TH DAY OF FEBRUARY 2014 16TH MAGHA, 1935 Bail Appl..No. 788 of 2014 ----- CRIME NO. 564/2012 OF KOIPURAM POLICE STATION , PATHANAMTITTA ----- /PETITIONER/3RD ACCUSED/APPROVER: ----- SREEJITH @ CHITTAPPEN, AGED 20 YEARS, S/O.SREEKUMAR, CHITTAKKATTU HOUSE, VAZHAKUNNU MURI, VAZHAKUNNU VILLAGE, PATHANAMTHIKTTA DISTRICT. BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA) RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.C.RASHEED THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0502-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P. JOSEPH, J.

----- Dated this the 5th day of February 2014

ORDER

Petitioner was arrayed as the 3rd accused in Crime No.564 of 2012 of the Koipram Police station for the offences punishable under Secs.115, 120(b), 364, 302 and 201 read with Sec.34 of the Indian Penal Code, was declared approver, is in custody since 06.08.2012 and seeks bail.

2. Learned Public Prosecutor has opposed the application.

3. Learned counsel has relied on the decision in Saidevan Thampi V. State of Kerala and others [2013 (4) ILR Kerala 496] to contend that where pardon is granted to an approver while in custody, there is no hard and fast rule that he should not be granted bail and that the approver need be detained only if circumstances of the case require that he should be kept in detention.

4. Case is that the 1st accused had illicit relation Bail Appl. No.788 of 2014 2 with daughter of the deceased and that the accused kidnapped and caused death of the deceased.

5. Having heard both sides, I am inclined to think that there is no need to further detain the petitioner. Hence, I am inclined to grant bail but, subject to conditions. The application is allowed as under. Petitioner is granted bail in Crime No.564 of 2012 of the Koipram Police station and shall be released, if not required to be detained otherwise on his executing bond for Rs.35,000/- (Rupees Thirty five 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 SHO, Koipram Police station on every alternate Saturday between 10.00 am and 12.00 pm until Bail Appl. No.788 of 2014 3 otherwise ordered by the learned magistrate until committal of the case and thereafter by the learned Principal Sessions Judge concerned. (c) Petitioner shall report to the investigating officer as and when

required for interrogation. (d) Petitioner, except if necessary for compliance of conditions nos.(b) and (c) shall not, until otherwise ordered by and except with the permission of the learned magistrate/ Principal Sessions Judge as aforesaid enter local limits of the Koipram Police station (unless it is to attend any Court). (e) Petitioner shall not get involved any offence during the period of this bail. (f) Petitioner shall not interfere with investigation of the case or tamper with the evidence. (g) In case any of condition nos. (b) to (f) is violated, it is open to the investigating officer to Bail Appl. No.788 of 2014 4 file application before the learned magistrate/ Principal Sessions Judge as aforesaid, 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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