

Vinod Vs. State of Kerala

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Court : Kerala

Decided On : Feb-18-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Vinod

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 18TH DAY OF FEBRUARY 2014 29TH MAGHA, 1935 BAIL APPL..NO. 1114 OF 2014() ----- CRIME NO. 190 OF 2014 OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT ----- PETITIONER(S)/ACCUSED 1 TO 4: ----- 1. VINOD, AGED 27 YEARS, THADATHILVILAYIL HOUSE, ELAMPALLIL MURI, PALLIKKAL VILLAGE.

2. BABU, AGED 54 YEARS, -DO- 3. LEKSHMIKUTTY, AGED 49 YEARS, -DO- 4. BEENA, AGED 19 YEARS, -DO- BY ADVS.SRI.T.P.PRADEEP SRI.P.K.SATHEESH KUMAR RESPONDENT(S)/COMPLAINANTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE, ADOOR-691 523. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18-02-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: NS THOMAS P. JOSEPH, J.

===== B.A. No.1114 of 2014
===== Dated this the 18th day of
February, 2014

ORDER

Petitioners are accused 1 to 4 in Crime No.190 of 2014 of the Adoor Police Station for the offences punishable under Sections 452 and 326 read with Sec.34 of the Indian Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 23.01.2014 at the relevant time, the petitioners trespassed into the house of the de facto complainant and assaulted him. It is also submitted that the weapon is not recovered.

3. Learned counsel submitted that the allegations are not true. The de facto complainant is a drunkard causing constant nuisance to the petitioner. He fell down and sustained injuries.

4. Having heard both sides, it is revealed that allegation of causing grievous hurt is attributed to the 1st petitioner. Petitioners 2 and 3 are his parents while the 4th petitioner is his sister. Hence I am inclined to grant relief to accused 2 to 4. So far as the 1st petitioner is concerned, he has to surrender before B.A. No. 1114 of 2014 -:

2. :- the Officer investigating the case. The application is disposed of as under: (i) Request for anticipatory bail made by the 1st petitioner is rejected. If so advised, he can surrender before the investigating Officer or the court concerned. If the 1st accused is arrested, he shall be produced before the jurisdictional magistrate as early as possible. (ii) It is directed that in case petitioners 2 to 4/accused 2 to 4 are arrested, they shall be released on bail by the arresting officer (if not required to be

detained otherwise) on their executing bond for Rs.20,000/- (Rupees Twenty thousand only) each with two sureties each for the like sum each before the arresting officer subject to the following conditions. (iii) Petitioners 2 to 4 shall report to the Officer investigating the case for interrogation at all reasonable time and place. (iv) Petitioners 2 to 4 shall co-operate with the investigation of the case. (v) Petitioners shall not get involved in any offence during the period of this bail. (vi) Petitioners shall not intimidate or influence witnesses B.A. No. 1114 of 2014 -:

3. :- in the case. (vii) In case petitioners 2 to 4 violate any of conditions (iii) to (vi), it is open to the investigating Officer to move the learned magistrate for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. THOMAS P.JOSEPH, JUDGE. vsv

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