

Binoy Vs. State of Kerala

Binoy Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1128816

Court : Kerala

Decided On : Feb-19-2014

Judge : Honourable Mr.Justice M.L.Joseph Francis

Appellant : Binoy

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS WEDNESDAY, THE19H DAY OF FEBRUARY201430TH MAGHA, 1935 Bail Appl..No. 948 of 2014 ()
----- CRIME NO. 669/2014 OF POOYAPALLY POLICE STATION , KOLLAM PETITIONERS/ACCUSED1& 2:
----- 1. BINOY, AGED40YEARS S/O.BABY, MUDIYOORKONATH PUTHENVEEDU, OYOOR P.O KOTTARAKKARA TALUK, KOLLAM.

2. HAZEEB, AGED23YEARS S/O.HAMZARAWTHER, S.S MANZIL, OYOOR P.O KOTTARAKKARA TALUK, KOLLAM. BY ADV. SRI.SAJU.S.A
RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. 682 031. R BY PUBLIC PROSECUTOR, SHRI V S SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1902-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.L. JOSEPH FRANCIS J., - - - - - Bail Application
No.948 of 2014 - - - - - Dated this the 19th day of
February 2014

ORDER

Petitioners are accused Nos.1 and 2 in Crime No.669 of 2013 of Pooyappalli Police station. The offences alleged against them are punishable under Sections 143, 147, 148, 447, 341, 324, 326 read with Section 149 of the Indian Penal Code.

2. The learned Public Prosecutor submitted that the above crime was re-numbered as Crime No.666 of 2014 of that Police station. The prosecution case is that on 30.4.2013 at about 23.15 hrs. the accused formed themselves into an unlawful assembly and came to the house of the de-facto complainant and called him out of the house. When he came B.A. No.948 of 2014 :2: out, the first accused attacked him with an iron rod on his left hand and on his back and ribs. In the attack, the de-facto complainant got his left hand fractured. Accused Nos.2 to 6 caught hold of him while first accused was beating him. Hence the accused committed the above offence. The learned Public Prosecutor opposes the bail application. Considering the facts and circumstances of the case, I am of the view that the arrest and detention of the petitioners is not required for the purpose of the investigation. Hence this bail application is allowed. It is hereby directed that in the event of arrest of the petitioners in connection with the above case, they shall be released on bail on executing bond for `25,000/- each with two sureties each for the like sum to the satisfaction of the officer effecting arrest. The petitioners are directed to appear before the Investigating Officer as and when required. It is made clear that if the petitioners surrender before the Judicial First Class B.A. No.948 of 2014 :3: Magistrate having jurisdiction, within 30 days from today, they shall be released on bail on executing bond for `25,000/- each with two sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate. In that case also, the petitioners are directed to appear before the Investigating Officer as and when required. sd/ M. L. JOSEPH FRANCIS, (JUDGE) dl/ // TRUE COPY // PA TO JUDGE