

Nishad Vs. State of Kerala

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Court : Kerala

Decided On : Feb-20-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Nishad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 20TH DAY OF FEBRUARY 2014 1ST PHALGUNA, 1935 Bail Appl..No. 1098 of 2014 ----- CRIME NO. 11/2014 OF PAYYANNUR POLICE STATION , KANNUR DISTRICT. ----- PETITIONER/ACCUSED NO.2: ----- NISHAD, AGED 24 YEARS, S/O.SASI, ALLAKKOT HOUSE, KAMEL, VELLUR AMSOM, KANNUR DISTRICT. BY ADVS.SRI.M.SASINDRAN SRI.A.ARUNKUMAR RESPONDENTS/COMPLAINANT/STATE:

----- 1. STATE OF KERALA - REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE STATION HOUSE OFFICER, (CRIME NO.11 OF 2014 OF PAYYANNUR POLICE STATION), KANNUR DISTRICT - 670 307. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 2002-2014, ALONG WITH BA NO.1165 OF 2014 THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. THOMAS P. JOSEPH. J.

===== B.A Nos.1098 and 1165 of 2014
===== Dated this the 20th February, 2014

ORDER

These applications are preferred by accused 2 and 1, respectively in Crime No. 11 of 2014 of the Payyannur police station for the offences punishable under Secs. 143, 147, 148, 341 and 307 r/w. Sec. 149 of the Penal Code and seek bail. Petitioner in B.A No. 1098 of 2014 (second accused) is in custody from 25.01.2014 while the petitioner in B.A No. 1165 of 2014 is in custody from 08.01.2014.

2. Learned Public Prosecutor has opposed the application. It is submitted that the petitioners and others formed unlawful assembly and attacked the de facto complainant and others on 04.01.2014 with deadly weapon like sword. It is also submitted that the petitioner in B.A. No. 1098 of 2014 is involved in 8 other cases including Crime No. 1772 of 2013 of the Kannur Town police station (allegedly) for hurling bomb at the quarters of the Sub B.A Nos. 1098 and 1165 of 2014 2 Inspector.

3. Learned counsel requested for bail having regard to the period of detention of the petitioners.

4. Having regard to the relevant circumstances including involvement in several other cases, request for bail made by the petitioner in B.A. No. 1098 of 2014 cannot be allowed.

5. So far as the petitioner in B.A No. 1165 of 2014 is concerned, he is not reported to be involved in any other case. Having regard to the relevant circumstances, I am inclined to grant bail to him but on stringent conditions to prevent such incidents in future and to ensure that investigation is not affected. Applications are disposed of as under: I. B.A. No. 1098 of 2014: Application is dismissed. II. B.A. No 1165 of 2014: Application is allowed as under: Petitioner/1st accused is granted bail in

Crime No. 11 of 2014 of the Payyannur police station and shall be released, if not required to be detained otherwise on his executing bond for B.A Nos. 1098 and 1165 of 2014 3 Rs.25,000/- (Rupees Twenty five thousand only) with two sureties 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 the petitioner. b) Petitioner shall report to the SHO, Valapattanam on every Saturday between 10:00 a.m. and 12:00 p.m. until otherwise directed by the jurisdictional magistrate until committal if any and thereafter by the learned Principal Sessions Judge concerned. c) Petitioner shall report to the investigating officer as and when required for interrogation. d) Except if necessary for compliance of condition Nos. (b) and (c), the petitioner/first accused shall not until otherwise directed and except with the permission of the jurisdictional magistrate/Principal Sessions Judge as aforesaid enter local limits of the Payyannur police station (unless it is to attend any court). e) Petitioner shall not get involved in any offence during the period of this bail. B.A Nos. 1098 and 1165 of 2014 4 f) Petitioner shall not intimidate/influence the witnesses. g) It is made clear that in case any of condition Nos. (b) to (f) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate/Principal Sessions Judge as aforesaid, 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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