

Aneesha Beegum Vs. Aneesh

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Court : Kerala

Decided On : Feb-21-2014

Judge : Honourable Mr.Justice V.Chitambaresh

Appellant : Aneesha Beegum

Respondent : Aneesh

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 21ST DAY OF FEBRUARY 2014 2ND PHALGUNA, 1935 Bail Appl..No. 1158 of 2014 ()
----- CRIME NO. 81/2014 OF KORATTY POLICE STATION, THRISSUR DISTRICT ----- PETITIONERS / ACCUSED NOS. 2 TO 4:
----- 1. LIJU K.P., AGED 33 YEARS S/O.POULOSE, THAI PARAMBADAM HOUSE THEKKUMURI VILLAGE, MURINGOOR, MANDIKUNNU THRISSUR DISTRICT.

2. DHANESH, S/O.PAULSON, AGED 25 YEARS KOTTAKKAL HOUSE, THEKKUMURI VILLAGE MURINGOOR, MANDIKUNNU, THRISSUR DISTRICT.

3. JIMESH GEORGE, AGED 25 YEARS ELINJAKKAL HOUSE, THEKKUMURI VILLAGE, MURINGOOR MANDIKUNNU, THRISSUR DISTRICT. BY ADV. SRI.P.K.VARGHESE RESPONDENT/COMPLAINANT :
----- STATE OF KERALA, REPRESENTED BY

THE PUBLIC PROSECUTOR HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-02-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH, J.

----- Bail Appl. No.1158 of 2014
----- Dated this the 21st day of February 2014

ORDER

Petitioners are accused nos.2 to 4 in Crime No.81 of 2014 of the Koratty Police station for the offences punishable under Secs.341, 323, 324, 294(b), 427 and 308 read with Sec.34 of the Indian Penal Code, apprehend arrest and have filed the application.

2. Learned Public Prosecutor, while opposing the application has submitted that on 11.01.2014 at about 7.20 p.m., the petitioners and others attacked the defacto complainant and his brother with a chopper. It is submitted that the 1st accused used the chopper and inflicted injury but when questioned he stated that the chopper was handed over to the 2nd petitioner/3rd accused. That weapon is not recovered.

3. Learned counsel submits that the allegations are not true.

4. On hearing both sides it appears that the allegation against the 3rd petitioner/4th accused is that he Bail Appl. No.1158 of 2014 2 used obscene words against wife of the defacto complainant. Having regard to the above, I am inclined to think that custodial interrogation of the 3rd petitioner/4th accused is not required.

5. So far as the 1st petitioner/2nd accused is concerned, it is alleged that he wrongfully restrained the defacto complainant and the 1st accused attacked him with chopper.

6. So far as the 2nd petitioner/3rd accused is concerned, his custodial interrogation may be required since according to the 1st accused, the chopper was

handed over to him after the incident.

7. Hence request of the petitioners 1 and 2 / accused nos.2 and 3 for pre arrest bail cannot be allowed. The application is disposed of as under. (I) Request of the petitioners 1 and 2/ accused 2 and 3 for pre-arrest bail is rejected. (i) It is open to the petitioners 1 and 2/ accused 2 and 3 to surrender before the Court concerned or before the investigating officer. Bail Appl. No.1158 of 2014 3 (ii) In case the petitioners 1 and 2/ accused 2 and 3 are arrested by the investigating officer, after interrogation is over they shall be produced before the jurisdictional magistrate as early as possible. II. The 3rd petitioner/4th accused shall surrender before the officer investigating Crime No.81 of 2014 of the Koratty Police station on 25.02.2014 at 10.00 am for interrogation. (a) In case interrogation of the 3rd petitioner/4th accused is not completed that day, it is open to the investigating officer to direct presence of the 3rd petitioner/4th accused on any other day/days and time which the petitioner shall comply. (b) In case the 3rd petitioner/4th accused is arrested, he shall be released by the arresting officer (if not required to be detained otherwise) on his executing bond for Bail Appl. No.1158 of 2014 4 Rs.20,000/- (Rupees twenty thousand only) with two sureties for the like sum each before the arresting officer and subject to the following conditions:

1. The 3rd petitioner/4th accused shall report to the officer investigating Crime No.81 of 2014 of the Koratty Police station on every alternate Saturday between 10.00 a.m. and 12.00 p.m. for a period of two months or until filing of the final report, whichever is earlier.

2. The 3rd petitioner/4th accused shall report to the investigating officer as and when required for interrogation.

3. The 3rd petitioner/4th accused shall not get involved any offence during the period of this bail.

4. The 3rd petitioner/4th accused shall not influence or intimidate the witnesses.

5. In case any of the above conditions is violated, it is open to the investigating officer Bail Appl. No.1158 of 2014 5 to file application before the learned

magistrate (until committal if any, and thereafter before the learned Sessions Judge, concerned) 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. ToJudge

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