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Shivan Vs. Mini

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Court : Kerala

Decided On : Feb-14-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Shivan

Respondent : Mini

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE M.L.JOSEPH FRANCIS FRIDAY, THE14H DAY OF FEBRUARY201425TH MAGHA, 1935 Bail Appl..No. 1071 of 2014 () ---------- CRIME NO. 236/2014 OF CHANGANASSERY POLICE STATION , KOTTAYAM PETITIONERS/ACCUSED NO.1 TO9 ---------- 1. DINESHAN (ABRAHAM JOHN) AGED49YEARS S/O. SAMUEL, MALITHARA, PUZHAVATHU CHANGANASSERY.

2. NATESHAN (JOHN) AGED49YEARS S/O. SAMUEL, MALITHARA, PUZHAVATHU CHANGANASSERY.

3. NIDHIN AGED18YEARS S/O. JOHN, MALITHARA, PUZHAVATHU CHANGANASSERY.

4. DEEPU AGED24YEARS S/O. ABRAHAM, MALITHARA, PUZHAVATHU CHANGANASSERY.

5. SATHEESHAN (THOMAS) AGED32YEARS S/O. SAMUEL, MALITHARA, PUZHAVATHU CHANGANASSERY.

6. KALESHAN (MARKOSE) AGED42YEARS S/O. SAMUEL, MALITHARA, PUZHAVATHU CHANGANASSERY.

7. M.C.JOHN (BABU) AGED52YEARS S/O. CHACKO, NALPATHILCHIRA, PUZHAVATHU CHANGANASSERY.

8. JERIN AGED24YEARS S/O. JOHN, NALPATHILCHIRA, PUZHAVATHU CHANGANASSERY.

9. JOBIN AGED25YEARS S/O. JOHN, NALPATHILCHIRA, PUZHAVATHU CHANGANASSERY. BY ADV. SRI.LIJI.J.VADAKEDOM RESPONDENTS/RESPONDENTS: ---------- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. SUB INSPECTOR OF POLICE CHANGANACHERRY POLICE STATION, CHANGANACHERRY P.O. KOTTAYAM DISTRICT-686 101. BY PUBLIC PROSECUTOR LALIZA T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1402-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

This Bail Application is dismissed as withdrawn with liberty to file a fresh anticipatory bail application, if so advised. 14.2.2014 Sd/- M.L.Joseph Francis, Judge. (true copy) M.L.JOSEPH FRANCIS, J.

---------- Bail Application No.1071 of 2014 ---------- Dated 14th February, 2014

ORDER

Petitioners are accused Nos.1 to 9 in Crime No.236/14 of Changanacherry Police Station, registered under Sections 341, 323, 324, 308 and 34 of the Indian Penal

Code.

2. The prosecution allegation is that on 1.2.2014 at 7.45 a.m., when the defacto complainant and Pradeep (1st and 2nd accused in Crime No.235/2014) reached the pathway leading to the house of the petitioners, they were confined by accused Nos.1, 2 and 3 and when questioned, accused No.1 assaulted the defacto complainant and the defacto complainant in return assaulted the first petitioner, who fell into the water. This resulted in accused Nos.4, 5 and 6 attacking the defacto complainant and accused No.5 attacked the defacto complainant with a stick sword. It is alleged that if the defacto complainant could not evade from the said attack, it would have caused the death of the defacto complainant. Seeing the incident, all the family members of the defacto complainant came to the spot and tried to prevent the accused persons. The said family members of the defacto complainant were also B.A.No.1071/14 2 attacked. Thereby, it is alleged that the petitioners have committed the above mentioned offences.

3. The learned Public Prosecutor opposes the anticipatory bail application.

4. The learned counsel for the petitioners submitted that a counter case has been registered against the defacto complainant and others as Crime No.235/14. The learned counsel for the petitioners further submitted that the parties are neighbours and that there is a chance of settlement.

5. Considering the facts and circumstances of the case, I am of the view that arrest and detention of the petitioners is not required for the purpose of investigation. Hence, this Bail Application is allowed. It is hereby directed that in the event of arrest of the petitioners in connection with Crime No.236/14 of Changanacherry Police Station, 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 B.A.No.1071/14 3 required. It is made clear that if the petitioners surrender before the Judicial First Class 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. tgs ((True copy)

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