

Vishnu Vs. State of Kerala

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Court : Kerala

Decided On : Feb-24-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Vishnu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 24TH DAY OF FEBRUARY 2014 5TH PHALGUNA, 1935 Bail Appl..No. 1081 of 2014 ()
----- CRIME NO. 672/2013 OF NEYYAR DAM POLICE STATION , THIRUVANANTHAPURAM DISTRICT -----
PETITIONERS/3 & 4 ACCUSED : ----- 1.
VISHNU, S/O. JANARDHANAN, AGED 23 YEARS, MARAKUNNAM, THADATHERIKATH VEEDU, NEYYAR DAM.

2. ABILASH, AGED 25 YEARS, S/O. BARTHAD, PUSHPA BHAVAN, MUNADAVARKUNNU, AZHAMKAL, NEYYAR DAM. BY ADV. SRI.M.R.SASITH
RESPONDENTS : ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. THE SUB INSPECTOR OF POLICE, NEYYAR DAM POLICE STATION, THIRUVANANTHAPURAM-695 006. R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.02.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
sts THOMAS P. JOSEPH, J ----- B.A.No.1081 of 2014
----- Dated this the 24th day of February, 2014

ORDER

Petitioners are accused 3 and 2 respectively, (as the learned Public Prosecutor says) in Crime No.672 of 2013 of the Neyyar Dam Police Station for the offences punishable under Sections 365, 506(i), 323, 294(b) r/w Section 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 the petitioners and others came in a motor cycle and kidnapped the de facto complainant. The Aadhaar Card and money belonging to the de facto were lost.

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

4. It is revealed from Annexure-A1 order dated 16.01.2014 in B.A.No.250 of 2014 that this Court has granted relief to the 4th accused in the case. Having heard both sides, I am inclined to extend the same relief to these petitioners as well. The application is allowed as under: (i) Petitioners shall surrender before the Officer investigating Crime No.672 of 2013 of the Neyyar Dam Police B.A.No.1081 of 2014 2 Station on 28.02.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioners on other day/days and time as may be specified by him which the petitioners shall comply. (iii) In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate on same day. (iv) On such production learned magistrate shall release the petitioners on bail (if not required to be detained otherwise) on their executing bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for the like sum each before the learned magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of any of the petitioners. (b) Petitioners shall report to the officer investigating the case on every 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. B.A.No.1081 of 2014 3 (c) Petitioners shall report to the officer investigating the case as and when required for interrogation. (d) Petitioners shall not, during the period of this bail get involved in any offence. (e) Petitioners shall not intimidate or influence the witnesses. (f) In case any of condition Nos. (b) to (e) is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the learned magistrate as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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