

Sunil @ Punchiry Vs. State of Kerala

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Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Sunil @ Punchiry

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN FRIDAY,THE28H DAY OF FEBRUARY20149TH PHALGUNA, 1935 Bail Appl..No. 1117 of 2014 () ----- CRIME NO. 211/2014 OF KARUNAGAPPALLY POLICE STATION , KOLLAM DISTRICT ----- PETITIONER/2ND ACCUSED: ----- SUNIL @ PUNCHIRY,S/O SASIDHARAN,AGED40YEARS, PUTHUVEL VEEDU, ADINADU SOUTH, ADINADU VILLAGE, KOLLAM DISTRICT. BY ADVS.SRI.K.SIJU SMT.BINDU GEORGE RESPONDENT : ----- STATE OF KERALA, THROUGH THE S.I. OF POLICE, KARUNAGAPPALLY POLICE STATION, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.JASMINE.V.H. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2802-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts N.K. BALAKRISHNAN, J.

----- B.A. No. 1117 of 2014 (D)
----- Dated this the 28th day of February, 2014

ORDER

The petitioner is the 2nd accused in Crime No.211/2014 of Karunagappally Police Station, Kollam District. Offences alleged are under sections 143, 147, 148, 294(b), 323, 326 and 354 r/w 149 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that this petitioner along with other accused persons formed themselves into unlawful assembly and attacked the complainant causing grievous hurt to him. It is stated that when the wife of the defacto complainant intervened, she was pushed and thus her modesty was outraged.

3. The learned counsel for the petitioner submits that the allegation, so as to attract offence under section 326 of IPC, is made against A1 and not against this petitioner. It is B.A. No. 1117/2014 (D) -2- further submitted that the incident occurred when the petitioner and other persons questioned the complainant and others from catching fish from the pond without any right.

4. Considering all the aspects the following directions are issued: The petitioner shall surrender before the Investigating Officer within ten days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will, considering the nature of the case, grant bail to the petitioner but on the following conditions: a. The petitioner shall execute a bond for Rs.20,000/- (Rupees Twenty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax B.A. No. 1117/2014 (D) -3- receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays and Fridays between 9.30 AM to 11.30 AM until further orders. c. The petitioner shall surrender his original passport

before the learned jurisdictional Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate. d. The petitioner will also file an affidavit that he will abide by all the conditions as mentioned above and that he will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any B.A. No. 1117/2014 (D) -4- inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. e. The petitioner shall not leave India without the prior permission of the learned Magistrate. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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