

Renjith Vs. State of Kerala

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Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Renjith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 28TH DAY OF FEBRUARY 2014 9TH PHALGUNA, 1935 Bail Appl..No. 1410 of 2014 () ----- CRIME NO. 188/2014 OF KUNDARA POLICE STATION , KOLLAM ACCUSED: ----- 1. RENJITH, AGED 22 YEARS S/O. RAJU, RENJITH BHAVAN, MORIPPURAM KUMBALAM, KOLLAM.

2. REJITH, AGED 20 YEARS S/O. RAJU, RENJITH BHAVAN, MORIPPURAM KUMBALAM, KOLLAM.

3. RAJU, AGED 56 YEARS S/O. JEROME, RENJITH BHAVAN, MORIPPURAM KUMBALAM, KOLLAM. BY ADV. SRI.SUNNY ZACHARIAH COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE KUNDARA POLICE STATION THROUGH THE LEARNED PUBLIC PROSECUTOR HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON2802-2014 ALONG WITH B.A. NO. 1414/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: smv THOMAS P. JOSEPH. J.

===== B.A Nos. 1410 and 1414 of 2014
===== Dated this the 28th February, 2014

ORDER

First of the above applications is filed by accused 1 to 3 who are in custody from 10.02.2014 (as mentioned in the order of learned Sessions Judge) for regular bail. The second application is filed by the 4th accused for pre-arrest bail.

2. Applications are opposed by the learned Public Prosecutor. It is submitted that on 25.01.2014 at about 01:30 a.m. the accused 1 to 4 attacked the de facto complainant and others with sword, stick etc. and caused hurt/grievous hurt and attempted to cause their death. Some of the weapons are yet to be recovered. The 1st accused is involved in 7 other crimes and is also be proceeded against under the KAAPA.

3. Learned counsel submits that the allegations are not true. Some of the accused sustained injuries and were B.A Nos. 1410 & 1414 of 2014 2 arrested from the hospital on the day of incident itself. The de facto complainant and others trespassed into the house of the accused on the relevant day and time, broke open the door and attacked the accused for which the police have registered Crime No. 186 of 2014 for the offences punishable under Secs. 143 to 148, 458, 324, 427 and 307 r.w. Sec. 149 of of the Penal Code. De facto complainant and others who are accused in Crime No. 186 of 2014 are released on bail.

4. It appears that the alleged incident occurred in the house of these accused and that too, at about 01:30 a.m. It is said that the de facto complainant and others went there to talk about a previous incident in which the first accused allegedly assaulted brother of the de facto complainant.

4. Having regard to the relevant circumstances, I am inclined to grant bail to accused 2 to 4.

5. So far as first accused is concerned, true that the alleged incident occurred at his house. But he is reported to be involved in 7 other crimes and is booked under KAAPA as well. I must also notice that as per the present B.A Nos. 1410 & 1414 of 2014 3 allegation, he assaulted one of the injured in Crime No. 188 of 2014 with a sword collected from his house. In other words, the first accused allegedly had kept the sword in his house. That fact cannot be forgotten. Hence the request for bail made by the first accused cannot be allowed at this stage. Applications are disposed of as under: I. B.A. No. 1410 of 2014 1. Request for bail made by the first accused in Crime No. 188 of 2014 of Kundara Police station is rejected leaving it open to him move again after investigation has been progressed. 2) Accused 2 and 3 are granted bail in Crime No. 188 of 2014 of Kundara Police station and shall be released, 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 to the satisfaction of the jurisdictional magistrate and subject to the following conditions:- a) One of the sureties shall be a close relative of accused 2 and 3. b) Accused 2 and 3 shall report to the Investigating Officer on every Saturday between 10:00 a.m. and 12:00 p.m. until filing of the final report. B.A Nos. 1410 & 1414 of 2014 4 c) Accused 2 and 3 shall report to the investigating officer as and when required for interrogation. d) Accused 2 and 3 shall not get involved in any offence during the period of this bail. e) Accused 2 and 3 shall not intimidate/influence the witnesses. II. B.A. No. 1414 of 2014 It is directed that in case the 4th accused is arrested in Crime No.188 of 2014 of the Kundara police station, she shall be released by the arresting officer on her executing bond for 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 a) One of the sureties shall be a close relative of the 4th accused. b) Fourth accused shall report to the Investigating Officer as and when required for interrogation at all reasonable time and places. c) Fourth accused shall not get involved in any offence during the period of this bail. d) Fourth accused shall not intimidate/influence the witnesses. III) It is made clear that in case any of condition Nos. B.A Nos. 1410 & 1414 of 2014 5 (b) to (e) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate (until committal if any and thereafter

before the learned Principal Sessions Judge concerned) 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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