

Sanalkumar.K. Vs. the State of Kerala

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Court : Kerala

Decided On : Mar-10-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sanalkumar.K.

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY,THE10H DAY OF MARCH201419TH PHALGUNA, 1935 Bail Appl..No. 1531 of 2014 (B) ----- [CRIME NO. 194/2014 OF HOSDURG POLICE STATION , KASARAGOD DISTRICT] PETITIONER/ACCUSED: ----- SANALKUMAR.K., AGED31YEARS, S/O.BALAKRISHNAN, KARALI HOUSE, KALLYAN ROAD, BALLA GRAMAM. BY ADVS.SRI.T.K.VIPINDAS, SRI.K.V.SREEVINAYAKAN, SRI.K.M.HASHIR, SRI.MUHAMMED HUSSAIN. RESPONDENT/STATE: ----- THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING S.H.O, HOSDURG POLICE STATION, KASARAGOD DISTRICT. BY PUBLIC PROSECUTOR SMT. LALIZA. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1003-2014, ALONGWITH B.A. NO.1532/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P. JOSEPH. J.

===== Bail Application Nos.1531 & 1532 of 2014
===== Dated this the 10th day of March, 2014

ORDER

These applications arise from Crime Nos. 194 of 2014 and 193 of 2014, respectively of the Hosdurg police station, the former for the offence punishable under Sec.332 of the Penal Code and the latter is for the offences under Secs. 143, 147, 148, 341, 326, 308 and 427 r/w. Sec. 149 of the Penal Code. B.A No. 1531 of 2014 is filed by sole accused in Crime No. 194 of 2014 while B.A. No. 1532 of 2014 is filed by accused 1 to 3 in Crime No. 193 of 2014. The accused are in custody from 18.02.2014 and seek bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 16.02.2014 at the relevant time, the accused in Crime No. 194 of 2014 attacked the police party to deter them from discharging their official duty. In Crime No. 193 of 2014, the same day, the accused formed unlawful assembly and pelted stones on B.A No.1531 & 1532 of 2014 2 a tourist bus causing damage to it and loss of two teeth of the driver. Damage to the bus is assessed at Rs.25,000/-. It is also pointed out that the accused in Crime No. 194 of 2013 is the first accused in Crime No. 913 of 2014.

3. Learned counsel submits that certain persons were agitating over acquisition of land for the purpose of National Highway and the officials came at odd time. That triggered trouble.

4. Having heard both sides, I am inclined to think that further custody of these petitioners is not required for investigation. Hence I am inclined to grant bail but subject to conditions. Applications are allowed as under: I. B.A. No. 1531 of 2014 Petitioner is granted bail in Crime No.194 of 2014 of the Hosdurg police station and shall be released, if not required to be detained otherwise on his executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the jurisdictional B.A No.1531 & 1532 of 2014 3 magistrate and subject to the following conditions:- a) One of the sureties shall be a close relative of the petitioner. b) Petitioner shall report to the officer

investigating Crime No. 194 of 2013 of the Hosdurg 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. c) Petitioner shall report to the investigating officer as and when required for interrogation. d) Petitioner shall not get involved in any offence during the period of this bail. e) Petitioner shall not intimidate/influence the witnesses. II. B.A. No. 1532 of 2014 Petitioners are granted bail in Crime No.193 of 2014 of the Hosdurg 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 B.A No.1531 & 1532 of 2014 4 conditions:- a) One of the sureties shall be a close relative of any of the petitioners. b) Petitioners shall deposit Rs.25,000/- (Rupees Twenty five thousand only) each in a nationalised bank in their respective name for a period of two years (renewable as per the order of the learned magistrate) and produce the FD receipts before the learned magistrate while executing bail bond. c) In case any of the victims are awarded compensation and petitioners are made liable, such compensation to the extent possible could be realised from the amount in deposit. d) Petitioners shall report to the investigating officer 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. e) Petitioners shall report to the investigating officer as and when required for interrogation. f) Petitioners shall not intimidate/influence the witnesses. B.A No.1531 & 1532 of 2014 5 g) Petitioners shall not, during the period of this bail get involved in any offence. III) It is made clear that in case any of condition Nos. (b) to (e) in B.A No. 1531 of 2014 and (d) to (g) in B.A. No. 1532 of 2014 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