

A.Surendran Vs. State of Kerala

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Court : Kerala

Decided On : Mar-26-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : A.Surendran

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 26TH DAY OF MARCH 2014 5TH CHAITHRA, 1936 Bail Appl..No. 1908 of 2014 (C) ----- [IN CRIME NO.171/CR/13 OF C.B.C.I.D, PALAKKAD] PETITIONER/ACCUSED: -----

A.SURENDRAN, S/O.K.C.ARUMUGHAN, AGED 61 YEARS, EEEKSHANYA, MELE CHIRANI, PAYYALLUR, KOLLENGODE, PALAKKAD DISTRICT. BY ADVS.SRI.BINOY VASUDEVAN, SMT.P.G.BABITHA. RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE C.I. OF POLICE, C.B.C.I.D, PALAKKAD - 678 101. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P. JOSEPH. J.

===== Bail Application No.1908 of 2014
===== Dated this the 26th day of March, 2014

ORDER

Petitioner is the 11th accused in Crime No.171/CR/13/CBCID, Palakkad for the offence punishable under Sec.399 r/w. Sec.34 of the Penal Code, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application.

3. Learned counsel requested for relief.

4. Accused Nos. 9 and 10 in the same case filed B.A. No. 4096 of 2013 which this court disposed of as per Annexure - A2, Order dated 05.09.2013 where the case of the prosecution and the counter allegations are narrated. Hence it is not necessary to restate the same in this order. It is seen that this court, after consideration of the materials found that custodial interrogation of accused Nos. 9 and 10 may not necessary and consequently, granted relief to B.A. NO.1908 of 2014 2 them. It appears that similar allegations are made against the petitioner herein as well. There is no reason why a different view should be taken in the matter of the petitioner. Having regard to the circumstances, I am inclined to extend the same relief granted to the accused 9 and 10 to the petitioner herein as well. Application is disposed of as under:- 1) Petitioner shall surrender before the officer investigating in Crime No.171/CR/13/CBCID, Palakkad on 03.04.2014 at 10:00 a.m. for interrogation. 2) In case interrogation is not completed that day, the said officer can direct the petitioner to appear before him on any other date/dates and time which he shall comply. 3) Petitioner shall co-operate with the investigation of the case. 4) In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day. B.A. NO.1908 of 2014 3 5) On such production, the petitioner 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 learned 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 investigating

officer on every Saturday between 10:00 a.m. and 12:00 p.m. until filing of the final report. c) Petitioner shall report to the investigating officer as and when required for interrogation. c) Petitioner shall not intimidate/influence the witnesses. e) Petitioner shall not, during the period of this bail get involved in any offence. f) In case of violation of any of conditions Nos. (b) to (e), it is open to the Investigating Officer to seek B.A. NO.1908 of 2014 4 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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