

Sreejith Vs. State of Kerala

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Court : Kerala

Decided On : Mar-26-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sreejith

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. 1833 OF 2014() ----- CRIME NO. 45/2014 OF MALAYINKEEZH POLICE STATION , THIRUVANANDAPURAM PETITIONERS/ACCUSED 34 AND 5 ----- 1. SREEJITH AGED 24 YEARS S/O.SREEKUMARAN NAIR, VIKKANVILAKATHU VEEDU CHOOZHATTUKOTTA, MALAYAM.P.O. THIRUVANANTHAPURAM-695 571.

2. SREEDHAR AGED 20 YEARS S/O.SREEKUMARAN NAIR, VIKKANVILAKATHU VEEDU CHOOZHATTUKOTTA, MALAYAM.P.O. THIRUVANANTHAPURAM-695 571.

3. SIVAN PILLA S/O.RAJMOHAN PILLA, SANTHOSH BHAVAN, CHOOZHATTUKOTTA MALAYAM.P.O., THIRUVANANTHAPURAM-695 571. BY ADVS.SRI.SANTHAN V.NAIR SRI.C.SREEJITH (ELAMAKKARA)

RESPONDENTS/STATE: ----- STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE MALAYINKEEZHU
POLICE STATION THIRUVANANTHAPURAM-695 571 REPRESENTED BY THE
PUBLIC PROSECUTOR HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR
SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26.03.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
THOMAS P.JOSEPH, J.

===== B.A. No.1833 of 2014
===== Dated this the 26th day of March,
2014

ORDER

Petitioners are accused 3 to 5 in Crime No.45 of 2014 of the Malayinkeezhu Police Station for the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 427 read with Sec.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 request for pre-arrest bail was rejected by this Court as per order dated 04.03.2014 in B.A. No.1479 of 2014. It is also submitted that on 17.01.2014 at about 10.30 p.m. petitioners and others formed unlawful assembly and attacked the de facto complainant and others with deadly weapons like iron rod, etc. A split charge was filed against the 1st accused. Some of the weapons are yet to be recovered.

3. Learned counsel submitted that the allegations are not true. It is alleged that body note of the de facto complainant was recorded at his house as revealed from the first information statement. It is also submitted that weapons are recovered and B.A. No. 1833 of 2014 :-

2. :- produced before the jurisdictional magistrate along with the split charge allegedly filed against the 1st accused. Further submission the learned counsel advanced is that records show that there is no wound certificate for any person

said to be injured.

4. On going through the CD file I am unable to accept the said contention at this stage. Prima facie, it would appear that more weapons than those produced in court were used. But that is a matter to be decided in the trail of the case. So also, CD file shows that OP tickets were issued from the Medical College Hospital concerning three injured persons.

5. Whether those OP tickets relate to the injured, etc., are all matters which the trial court has to decide. I do not find reason to reconsider the view taken in the order dated 04.03.2014 in B.A. No.1479 of 2014.

6. While disposing of B.A.No.1479 of 2014 this Court directed that in case the petitioners surrender before the Investigating Officer on 11.03.2014 and in case they are arrested, they shall be produced before the jurisdictional magistrate where the arrested persons, with intimation to the Assistant Public Prosecutor concerned could request for bail. B.A. No. 1833 of 2014 -:

3. :- 7. Having heard the learned counsel and Public Prosecutor I am inclined to issue directions. Application is disposed of as under: (i) Petitioners shall surrender before the Officer investigating Crime No.45 of 2014 of the Malayinkeezhu Police Station 03.04.2014 at 10.00 a.m. for interrogation. (ii) Other directions issued by this Court in the order dated 04.03.2014 in B.A. No.1479 of 2014 would remain in force. It is made clear that while the learned magistrate considers the applications for bail, specific reference shall be made to the question whether the weapons if any are recovered or not and whether for any other purpose custody of the petitioners or any of them is required. THOMAS P.JOSEPH, JUDGE. vsv

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