

Rasheed T. Vs. State of Kerala

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Court : Kerala

Decided On : Mar-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Rasheed T.

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 27TH DAY OF MARCH 2014 6TH CHAITHRA, 1936 Bail Appl..No. 2116 of 2014 () ----- CRIME NO. 86/2014 OF RAJAPURAM POLICE STATION , KASARGOD PETITIONER/1ST ACCUSED: ----- RASHEED T., AGED 26 YEARS S/O.ABDUL RAHIM, NELLIKUNNU, PANATHUR PANATHADY GRAMAM, KASARAGOD DISTRICT. BY ADV. SRI.T.K.VIPINDAS RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REPRESENTING S.H.O. RAJAPURAM POLICE STATION KASARAGOD DISTRICT. BY PUBLIC PROSECUTOR: V S SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A. No.2116 of 2014
===== Dated this the 26th day of March,
2014

ORDER

Petitioner is the 1st accused in Crime No.86 of 2014 of the Rajapuram Police Station for the offences punishable under Sections 323, 324 and 308 read with Sec.34 of the Indian Penal Code, is in custody from 13.03.2014 and seeks bail.

2. It is submitted that on 04.03.2014 at 12.45 p.m. petitioner and others assaulted the de facto complainant with wooden stick. It is also submitted that possibility of tension escalating in the locality if the petitioner is released on bail cannot be ruled out.

3. Learned counsel requests for bail.

4. It appears that the incident occurred in retaliation of a complaint given by the mother of the de facto complaint against the petitioner. Having regard to the relevant circumstances I am inclined to grant bail subject to conditions and from a future date since investigation is not completed. Application is allowed as under:
B.A. No. 2116 of 2014 -:

2. :- (i) Petitioner is granted bail in Crime No.86 of 2014 of the Rajapuram Police Station and shall be released if not required to be detained otherwise on his executing bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties 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 the petitioner. (b) Petitioner shall report to the Station House Officer, Vellarikandam Police Station on every Saturday between 10.00 a.m. and 12.00 p.m. for a period of two months or until final report is filed, whichever is earlier. (c) Petitioner shall report to the Officer investigating the case as and when required for interrogation at all reasonable time and place. (d) Petitioner shall not, except if necessary for compliance with condition Nos.(b) and (c) or to attend any court, until otherwise ordered by and except with the permission of the learned magistrate (until

committal if any and thereafter by the learned Principal Sessions Judge concerned) enter local limits of the Rajapuram Police Station. B.A. No. 2116 of 2014 -:

3. :- (e) Petitioner shall not get involved in any offence during the period of this bail. (f) Petitioner shall not intimidate or influence the witnesses. (ii) In case the petitioner violates any of conditions (b) to (f), it is open to the investigating Officer to move the learned magistrate (until committal if any and thereafter before the learned Principal Sessions Judge concerned) for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. Since investigation is not completed, this order granting bail will take effect only from 04.04.2014. THOMAS P. JOSEPH, JUDGE. vsv

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