

Yadhukrishna Vs. State

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Court : Kerala

Decided On : Mar-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Yadhukrishna

Respondent : State

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. 2106 of 2014 () ----- CRIME NO. 5/2014 OF CHOTTANIKKARA POLICE STATION , ERNAKULAM PETITIONERS/ACCUSED 1 & 2: ----- 1. YADHUKRISHNA, AGED 21 YEARS, S/O RAJAPPAN, CHENAPARAMBIL HOUSE, KUREEKKAD P.O. ERNAKULAM.

2. M.R.SURJI M.RAJAN, AGED 22 YEARS S/O RAJAPPAN, MALAYIL HOUSE, KANDANAD P.O. ERNAKULAM. BY ADV. SRI.K.P.MADHU
RESPONDENT/COMPLAINANT: ----- STATE - REPRESENTED BY S.I. OF POLICE CHOTTANIKKARA POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: smv THOMAS P. JOSEPH. J.

===== Bail Application No.2106 of 2014
===== Dated this the 27th day of March, 2014

ORDER

Petitioners are accused in Crime No.5 of 2014 of the Chottanikkara police station for the offences punishable under Secs. 143, 144, 148, 341, 326, 294(b), 323 and 324 r/w. Sec. 149 of the Penal Code, apprehend arrest and have filed this application.

2. Application is opposed. It is submitted that on 01.01.2014 at about 01:15 a.m. the petitioners and others restrained the de facto complainant and others and attacked them. The first petitioner used a stone. Second petitioner is involved in Crime No. 84 of 2012 for the offences punishable under Secs. 452 etc. of the Penal Code. He is also involved in Crime No. 267 of 2014 under Sec. 107 of the Cr.P.C.

3. Learned counsel submits that accused Nos. 3 to 7 are granted relief by this court. It is also submitted that B.A. NO. 2106 of 2014 2 against the de facto complainant and others, the police have registered Crime No. 6 of 2014 for the offences punishable under Secs. 323, 324 and 294(b) r/w. Sec. 34 of the Penal Code.

4. Since the stone is not recovered, request of the first petitioner for pre-arrest bail cannot be allowed. But I am inclined to issue directions.

5. So far as second petitioner is concerned, having regard to his antecedents, I am not inclined to invoke the extra ordinary jurisdiction under Sec. 438 Cr.P.C. having regard to his antecedents also. Application is disposed of as under:- 1) Request of the second petitioner/second accused in Crime No. 5 of 2014 of the Chottanikkara police station for pre-arrest bail is rejected. If so advised, he can surrender before the officer investigating the case or appear before the court concerned and seek regular bail. 2) First petitioner/first accused shall surrender before the B.A. NO. 2106 of 2014 3 officer investigating Crime No. 5 of 2014 of the Chottanikkara police station on 03.04.2014 at 10:00 a.m. for interrogation. 3) In case

interrogation is not completed that day, the said officer can direct the first petitioner to appear before him on any other date/dates and time which he shall comply. 4) First petitioner shall co-operate with the investigation of the case. 5) In case the first petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day. 4) On such production, the first petitioner shall be released on bail (if not required to be detained otherwise) on his executing bond for Rs.20,000/- (Rupees Twenty 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 first petitioner. b) First petitioner shall report to the investigating B.A. NO. 2106 of 2014 4 officer on every alternate Saturdays between 10:00 a.m. and 12:00 p.m. until filing of the final report or for a period of two months, whichever is earlier. c) First petitioner shall report to the investigating officer as and when required for interrogation. d) First petitioner shall not intimidate/influence the witnesses. e) First petitioner shall not get involved in any offence during the period of this bail. f) In case of violation of any of conditions Nos. (b) to (e), it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate 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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