

**Sunil Kumar Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Apr-02-2014

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Sunil Kumar

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 BAIL APPL..NO. 2298 OF 2014() ----- CRIME NO. 594/2012 OF PARAPPANGADI POLICE STATION , MALAPPURAM PETITIONERS/ACCUSED: ----- 1. SUNIL KUMAR AGED 32 YEARS S/O.GOPALAN, KARUNENGAL HOUSE, VALLIKKUNNU NORTH PO MALAPPURAM DISTRICT 2 JAYA KUMAR AGED 38 YEARS S/O.BALAN, KOTTASSERY HOUSE, VALLIKKUNNU NORTH PO MALAPPURAM DISTRICT 3 NIDHEESH AGED 34 YEARS S/O.SHANMUGHAN, PANDIKASALA HOUSE VALLIKKUNNU NORTH PO, MALAPPURAM DISTRICT BY ADV. SRI.K.P.SUDHEER RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REPRESENTING SUB INSPECTOR OF POLICE PARAPPANANGADI POLICE STATION PARAPPANANGADI 676303, MALAPPURAM DISTRICT BY PUBLIC PROSECUTOR SHRI V.S SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02.04.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P. JOSEPH, J.

===== B.A. No.2298 of 2014  
===== Dated this the 02nd day of April, 2014

## ORDER

Petitioners are accused 1 to 3 in Crime No.594 of 2012 of the Parappanagadi Police Station for the offences punishable under Sections 341, 324 and 326 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 on 15.11.2012 at 8.00 p.m. the petitioners attacked the de facto complainant with iron rod causing fracture of the left radius and other injuries. It is submitted that the weapon is not recovered.

3. Learned counsel submitted that the allegations are not true. Petitioners and others were waiting for bus in the waiting shed and the de facto complainant who was in a drunken mood annoyed a lady. There was a scuffle and in the course of that, the de facto complainant fell down and sustained injuries.

4. It is true that the alleged incident occurred on 15.11.2012. It is revealed that it is the 2nd petitioner who allegedly assaulted the de facto complainant with iron rod. Hence I B.A. No. 2298 of 2014 -:

2. :- am inclined to grant relief to petitioners 1 and 3. So far as the 2nd petitioner is concerned, I am inclined to issue directions. The application is disposed of as under: (i) The petitioners shall surrender before the Officer investigating Crime No.594 of 2012 of the Parappanagadi Police Station on 08.04.2014 at 10.00 a.m. for interrogation. (ii) If interrogation of the petitioners is not completed that day, they shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioners shall comply. (iii) In case petitioners

are arrested they shall be produced before the jurisdictional magistrate the same day. (iv) On such production, petitioners 1 and 3 shall be released on bail (if not required to be detained otherwise) on their executing bond for Rs.15,000/- (Rupees Fifteen thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) Petitioners 1 and 3 shall report to the officer investigating the case as and when required for interrogation at B.A. No. 2298 of 2014 -:

3. :- all reasonable time and place. (b) Petitioners 1 and 3 shall not get involved in any offence during the period of this bail. (c) Petitioners 1 and 3 shall not intimidate or influence the witnesses. (iv) In case petitioners 1 and 3 violate any of condition Nos.(a) to (c), it is open to the investigating Officer to move the learned magistrate for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. II. (i) So far as the 2nd petitioners is concerned it is open to him to move application for bail before the learned magistrate with intimation given to the Assistant Public Prosecutor concerned, at least three working days in advance. (ii) If for any reason custody of the petitioner is required, it is open to the Officer investigating the case to move application for that purpose. (iii) Learned magistrate shall dispose of the application(s) on its merit as per the law having regard to all relevant B.A. No. 2298 of 2014 -:

4. :- circumstances including whether custody of the petitioner is required for recovery of any material object and pass orders as early as possible. THOMAS P.JOSEPH, JUDGE. vsv

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