

Sarath Saseendran Vs. the Sub Inspector of Police

Sarath Saseendran Vs. the Sub Inspector of Police

SooperKanoon Citation : sooperkanoon.com/1136865

Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sarath Saseendran

Respondent : The Sub Inspector of Police

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. 2280 of 2014 () ----- CRIME NO. 407/2014 OF OACHIRA POLICE STATION, KOLLAM DISTRICT ----- PETITIONER/ACCUSED NO.3 : ----- SARATH SASEENDRAN, AGED 27 YEARS S/O.SASEENDARAN, KANNADISSERIL PADEETTATHIL CLAPPANA SOUTH, CLAPPANA P.O., KOLLAM - 690 525. BY ADVS.SRI.P.B.SAHASRANAMAN SRI.T.S.HARIKUMAR RESPONDENTS/COMPLAINANT AND STATE: ----- 1. THE SUB INSPECTOR OF POLICE SASTHAMCOTTA POLICE STATION, KOLLAM - 690 521.

2. THE STATE OF KERALA, REPRESENTED BY ITS PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682 031. R1 & R2 BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME

UP FOR ADMISSION ON 0204-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH. J.

===== Bail Application No. 2280 of 2014
===== Dated this the 2nd day of April, 2014

ORDER

Petitioner is the 3rd accused in Crime No. 407 of 2014 of the Oachira police station for the offences punishable under Secs.341, 427, 323 and 308 r/w. Sec.34 of the Penal Code, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 15.03.2014 at about 01:30 a.m. while the de facto complainant and another were proceeding in a motor cycle, the petitioner and accused 1 and 2 restrained and assaulted the de facto complainant and another with chopper and hands. The motor cycle was damaged and the gold chain belonging to the de facto complainant was lost.

3. Learned counsel has submitted that the allegations against the petitioner are not true. A hue and cry at the spot invited him from his house. He has not participated in B.A. NO.2280 of 2014 2 the incident.

4. I have gone through the CD file and find that as per the version of the de facto complainant the first accused in the course of the incident collected a chopper from his house and handed over the same to the second accused who assaulted the de facto complainant. Allegation against the petitioner is that he assaulted the de facto complainant and another with hand. It appears to me that since no recovery is required to be made at the instance of the petitioner, in the peculiar facts and circumstances of the case and considering the nature of allegations made against the petitioner/3rd accused, I am inclined to grant relief to the petitioner but protecting interest of the de facto complainant also and subject to conditions. Application is allowed as under:

1. Petitioner shall surrender before the officer investigating Crime No. 407 of 2014 of the Oachira police station on 08.04.2014 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 B.A. NO.2280 of 2014 3 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. 5) On such production the 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 petitioner. b) Petitioner shall deposit Rs.15,000/- (Rupees Fifteen thousand only) in a nationalised bank for a period of two years (renewable as per the order of the learned magistrate) and produce the FD receipt before the learned magistrate while executing the bail bond. c) In case the petitioners is made liable to pay compensation, such compensation to the extent possible could be realised from the amount in deposit. d) Petitioner shall report to the investigating officer on B.A. NO.2280 of 2014 4 every alternate Saturday between 10:00 a.m. and 12:00 p.m. until filing of the final report or for two months, whichever is earlier. e) Petitioner shall report to the investigating officer as and when required for interrogation. f) Petitioner shall not intimidate/influence the witnesses. g) Petitioner shall not, during the period of this bail get involved in any offence. f) In case of violation of any of conditions Nos. (d) to (f), it is open to the Investigating Officer to seek 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