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Arunagiri Vs. State of Kerala

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Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Arunagiri

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE2D DAY OF APRIL201412TH CHAITHRA, 1936 Bail Appl..No. 2276 of 2014 () ---------- CRIME NO. 160/2014 OF VALAPPAD POLICE STATION, THRISSUR DISTRICT ---------- PETITIONERS/ACCUSED3& 4 : ---------- 1. ARUNAGIRI, S/O. VELAYUDHAN, AGED35KURUPPATH HOUSE, KAZHIMBRAM VALAPPAD.

2. SREEBHARATHAN @ KANNAN S/O. UDAYAN, AGED20 OONNUNGAL, EDATHURUTHI VILLAGE. BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN SRI.K.S.RAJESH RESPONDENT/COMPLAINANT : ---------- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REPRESENTING THE S.I. OF POLICE, VALAPPAD. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0204-2014, THE COURT ON THE SAME DAY PASSED THE

FOLLOWING: Mn THOMAS P. JOSEPH. J.

========== Bail Application No. 2276 of 2014 ========== Dated this the 2nd day of April, 2014

ORDER

Petitioners are accused 3 and 4 in Crime No.160 of 2014 of the Valappad police station for the offences punishable under Secs.323, 324, 326 and 308 r/w. Sec. 34 of the Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the petitioners along with accused 1 and 2 attacked the de facto complainant on 18.01.2014 at 03:00 a.m. It is also submitted that the accused 1 and 2 used iron rod and granite stone.

3. Learned counsel submitted that the second accused who is alleged to have used granite stone was granted relief B.A. NO. of 2014 2 by this court as per Order dated 06.03.2014 in B.A. No. 1555 of 2014.

4. I have gone through the said order. There is no reason why the petitioners who are not shown to have used any weapon should not be granted that relief. Application is allowed as under:- 1) Petitioners shall surrender before the officer investigating Crime No.160 of 2014 of the Valappad 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 petitioners to appear before him on any other date/dates and time which they shall comply. 3) In case the petitioners are arrested, they shall be produced before the jurisdictional magistrate the same day. 4) On such production the petitioners shall be released, if not required to be detained otherwise on their executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the B.A. NO. of 2014 3 satisfaction of the learned magistrate and subject to the following conditions:- a) Petitioners shall report to the investigating officer on 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. b) Petitioners shall report to the investigating officer as and

when required for interrogation. c) Petitioners shall not intimidate/influence the witnesses. d) Petitioners shall not, during the period of this bail get involved in any offence. e) In case of violation of any of the above conditions, 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

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