

Ananthu Vs. State of Kerala

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Court : Kerala

Decided On : Apr-03-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Ananthu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 3D DAY OF APRIL 2014 13TH CHAITHRA, 1936 Bail Appl..No. 2336 of 2014 ----- CRIME NO. 482/2014 OF CHERTHALA POLICE STATION , ALAPPUZHA ... PETITIONER(S)/ACCUSED NO.3,4,5,6 & 7: ----- 1. ANANTHU, AGED 20 YEARS, S/O.MANOJ, NIKARTHIL, WARD NO. 8, VAYALAR P O, CHERTHALA.

2. SHIJAS, AGED 21 YEARS, S/O.SHEREEF, ILLICKAVELI, WARD NO. 8, VAYALAR P O, CHERTHALA 3 SYAMJITH, AGED 20 YEARS, S/O.THANKACHAN, NIKARTHIL, WARD NO. 8, VAYALAR P O, CHERTHALA.

4. UNNIKUTTAN, AGED 24 YEARS, S/O.T D BIJU, PARAPPEL, WARD 7 VAYALAR P O, CHERTHALA.

5. PRAVEENRAJ, AGED 25 YEARS, S/O.RAJU, R P NILAYAM, WARD NO. 8, VAYALAR P O, CHERTHALA. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRA

KRISHNAN RESPONDENT(S)/STATE: ----- 1. STATE OF KERALA, REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM682031 (CRIME NO. 482/2014 OF CHERTHALA POLICE STATION, ALAPPUZHA DISTRICT).

2. STATION HOUSE OFFICER, CHERTHALA POLICE STATION, ALAPPUZHA DISTRICT -685 508, (CRIME NO4822014 OF CHERTHALA POLICE STATION, ALAPPUZHA DISTRICT) R1 & R2 BY PUBLIC PROSECUTOR SMT. L ALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0304-2014 ALONG WITH BA. NO.2379/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J ----- B.A.Nos.2336 & 2379 of 2014 ----- Dated this the 3rd day of April, 2014

ORDER

These applications are preferred by accused Nos. 3 to 7 and the first accused, respectively in Crime No.482 of 2014 of the Cherthala Police Station for the offences punishable under Sections 143, 147, 148, 323, 324 and 326 r/w Section 149 of the Indian Penal Code, apprehend arrest and have filed the application.

2. Learned Public Prosecutor has submitted that on 27.02.2014 at about 11.00 p.m., these accused and others attacked the de facto complainant and another. First accused used iron rod while accused 2 and 3 used sticks. De facto complainant suffered injuries including fracture of the lower jaw. The weapons are not recovered.

3. The learned counsel has submitted that the de facto complainant and others attacked the first accused and others with sticks and inflicted injuries and the Police have registered Crime No.481 of 2014 for the offences under Sections 323 and 324 of the Indian Penal Code.

4. On hearing both sides, it appears to me that the dispute between two sides arose in the course of a Ganamela in connection with a Temple festival. According to the B.A.Nos.2336 & 2379 of 2014 2 prosecution, the accused and others engaged in dancing which was questioned by the de facto complainant and others

and when the de facto complainant and others were going home, they were attacked.

5. Having regard to the relevant circumstances including that the incident occurred as a result of a dispute as aforesaid, I am inclined grant relief to the petitioners but subject to conditions so that investigation is not affected and the interest of the de facto complainant and other injured is also protected. Application is disposed of as under: (i) Accused Nos. 1 and 3 to 7 shall surrender before the Officer investigating Crime No.482 of 2014 of the Cherthala Police Station on 11.04.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the accused Nos. 1 and 3 to 7 on other day/days and time as may be specified by him which the accused Nos. 1 and 3 to 7 shall comply. (iii) Accused Nos. 1 and 3 to 7 shall co-operate with the investigation of the case. (iv) In case the accused Nos. 1 and 3 to 7 or any of B.A.Nos.2336 & 2379 of 2014 3 them are arrested, they shall be produced before the jurisdictional magistrate the same day. (v) On such production, the accused Nos. 1 and 3 to 7 shall be released on bail (if not required to be detained otherwise) on their executing bond for Rs.25,000/- (Rupees twenty five 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) One of the sureties shall be a close relative of any of the accused Nos. 1 and 3 to 7. (b) Accused 1 and 3 shall deposit of Rs.5,000/-(Rupees fivethousand only) each and accused 4 to 7 shall deposit Rs.2,000/- (Rupees two thousand only) each in a Nationalized Bank in their respective names for a period of two years (renewable as per order of the learned magistrate) and produce the FD receipts before the learned magistrate while executing the bail bond. (c) In case the case is decided against the accused 1 and 3 to 7 or any of them and they are made liable to pay compensation to the defacto complainat or other injured, such compensation could be realized from the amount in deposit to the extent possible. B.A.Nos.2336 & 2379 of 2014 4 (d) Accused Nos. 1 and 3 to 7 shall report to the officer investigating the case on every alternate Saturday between 03.00 p.m and 05.00 p.m for a period of two months or until filing of the final report whichever is earlier. (e) Accused Nos. 1 and 3 to 7 shall report to the officer investigating the case as and when required for interrogation. (f) Accused Nos. 1 and 3 to 7 shall not get

involved in any offence during the period of this bail. (g) Accused Nos. 1 and 3 to 7 shall not intimidate or influence the witnesses. (vi) It is made clear that in case any of condition Nos. (d) to (g) is violated, 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). (vii) It is also made clear that the release of accused 1 and 3 to 7 will not present the investigating officer to summon them for questioning and effecting recovery of any material object. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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