

Lawrence Vs. the State of Kerala

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Court : Kerala

Decided On : May-16-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Lawrence

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 16TH DAY OF MAY 2014 26TH VAISAKHA, 1936 Bail Appl..No. 3312 of 2014 ()
----- CRIME NO. 244/2014 OF ARUVIKKARA POLICE STATION , THIRUVANANTHAPURAM DISTRICT -----

PETITIONER(S)/ACCUSED A1 & A2: -----

1. LAWRENCE, S/O.ANTONY, AGED 40 YEARS, SNEHA HOUSE, SANTHI NAGAR, VALIYARAMURI, VELLANAD VILLAGE.

2. AUGUSTINE, S/O.PONNAYYAN, AGED 39 YEARS, AYANIKKADU VEEDU, VEMBANNOOR, VEMBANNOOR WARD, ARUVIKKARA VILLAGE. BY ADV. SRI.R.T.PRADEEP

RESPONDENT/COMPLAINANT:
----- THE STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. PIN-682 031. BY PUBLIC PROSECUTOR SRI.N.SURESH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 1605-2014, THE COURT ON THE

SAME DAY PASSED THE FOLLOWING: sts K. RAMAKRISHNAN, J.

..... B.A.No.3312 of 2014
..... Dated this the 16th day of May, 2014.

ORDER

This is an application for bail filed by accused 1 and 2 in Crime No.244/2014 of Aruvikkara police station under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on 30.4.2014 at about 2.45 p.m the accused persons in furtherance of their common intention to commit culpable homicide, criminally trespassed into the courtyard of the house of the defacto complainant and abused her with obscene language and the first accused hit her with a flowerpot on her chest with an intention to outrage her modesty and the second accused had attempted to beat with a hammer and caused injury to her and thereby both of them have committed the offences punishable under Sections 447, 294(b), 323, 324, 354 and 308 read with Section 34 of the Indian Penal Code.

3. The counsel for the petitioners submitted that the petitioners have not committed any offence and they are innocent of the same and they have been falsely implicated in 2 the case. In fact, just prior to the alleged incident, the defacto complainant in this case and others attacked the mother-in-law of the 1st petitioner and caused injury to her and a crime was registered as Crime No.247/2014 of the same police station and in order to escape from that case, the present case has been falsely foisted against them. Further, the first petitioner is working in defence and he came for holidays and in order to prevent him from going for his job he has been falsely implicated.

4. The application was opposed by the Prosecutor on the ground that investigation of the case is not over.

5. Heard both sides and perused the records.

6. It is seen from the records that the above case was registered on the basis of the statement given by the defacto complainant against the petitioners alleging

commission of the said offences. The petitioners had produced Annexure-II First Information Report registered on the basis of the statement given by the mother-in-law of the 1st petitioner against the defacto complainant in this case and others namely Crime No.247/2014 alleging the offences punishable under Sections 447, 294(b) and 323 read with Section 34 of the Indian Penal Code. I am not at this stage going into the question as to whether allegations are sufficient to attract the offence under Section 354 or 308 of the Indian Penal Code or not as it is a matter for evidence. Considering the fact that the first accused is working in defence and he came on leave and further detention of the first petitioner will likely to result in loss of his employment and there was another case registered in respect of an incident occurred just prior to this incident on the basis of the statement given by the mother-in-law of the first petitioner and also considering the allegations made in that case, this Court feels that bail can be granted to the petitioners with some stringent conditions. So, the application is allowed with the following conditions: i. The petitioners shall be released on bail on executing a bond for Rs.50,000/- each with two solvent sureties for the like sum each to the satisfaction of the Judicial First Class Magistrate Court-II, Nedumangad. ii. The second petitioner shall appear before the investigating officer for the purpose of interrogation on the last Saturday of every month between 9 a.m and 10 a.m for a period of three months or till the final report is filed whichever is earlier. 4 iii. The 1st petitioner shall appear before the investigating officer for the purpose of interrogation as and when required in connection with the above crime in writing to do so till the final report is filed. iv. The first petitioner shall furnish his place of work and also Head of the Department under whom he is working and where the communication has to be sent etc before the Judicial First Class Magistrate Court-II, Nedumangad at the time of execution of the bond itself and also furnish copy of the same to the investigating officer as well for the purpose of enabling the investigating officer to send intimation in advance, if presence of the the first petitioner is required in connection with the investigation. iv. The petitioners shall not intimidate or influence the witnesses. v. The petitioners shall not involve in any other crime of similar nature during bail period. vi. The petitioners shall not leave India without getting prior permission either from the Judicial First Class Magistrate Court- II, Nedumangad or from the court to which the case will be committed for trial till the

disposal of the case. 5 With the above conditions, the application is allowed. Sd/-
K. RAMAKRISHNAN, JUDGE. cl /true copy/ P.S to Judge

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