

Hareesh Vs. State of Kerala

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Court : Kerala

Decided On : May-29-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Hareesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 29TH DAY OF MAY 2014 8TH JYAISHTA, 1936 Bail Appl..No. 2902 of 2014 ----- CRIME NO. 265/2014 OF OTTAPALAM POLICE STATION , PALAKKAD PETITIONER/ACCUSED: ----- HAREESH, AGED 21 YEARS, S/O.HARIDASAN, VADAKKEKUNNATH HOUSE, VARODE POST, VEETAMPARA, OTTAPALAM TALUK, PALAKKAD DISTRICT. BY ADV. SRI.R.SREEHARI RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM THROUGH STATION HOUSE OFFICER, OTTAPALAM POLICE STATION, OTTAPALAM - 679 101. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-05-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J ----- B.A.No.2902 of 2014 ----- Dated this the 29th day of

May, 2014

ORDER

Petitioner is the 5th accused in Crime No.265 of 2014 of the Ottapalam Police Station for the offences punishable under Sections 143, 147, 148, 341, 324, 308, 427 r/w Section 149 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Application is opposed by the learned Public Prosecutor. It is submitted that on 10.03.2014 at about 10.15 p.m, the petitioner and others pelted stones at the Goods Autorickshaw belonging to and driven by the de facto complainant and causing damage to the tune of Rs.5,000/-. It is alleged that if the stone had hit the de facto complainant, it would have caused his death.

3. Learned counsel submits that the allegations are not true.

4. Having regard to the nature of allegations, I am inclined to think that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief to the petitioner but subject conditions and protecting the interest of B.A.No.2902 of 2014 2 the de facto complainant also. Application is allowed as under: (i) Petitioner shall surrender before the Officer investigating Crime No.265 of 2014 of the Ottapalam Police Station on 06.06.2014 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 petitioner on other day/days and time as may be specified by him which the petitioner shall comply. (iii) In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day. (iv) 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 of Rs.5,000/- (Rupees five thousand only) in a Nationalized/Scheduled Bank or Service Co-operative Bank in his name intially for a period of two years B.A.No.2902 of 2014 3 (renewable as per order of the learned magistrate) and produce the FD receipt before the learned magistrate while executing the bail bond. (c) In case the case is

decided against the petitioner and he is made liable to pay compensation to the defacto complainant, such compensation to the extent possible could be realized from the amount in deposit. (d) Petitioner shall report to the officer investigating the case on every alternate Saturday between 10.00 a.m and 12.00 p.m for a period of two months or until filing of the final report whichever is earlier. (e) Petitioner shall report to the officer investigating the case as and when required for interrogation. (f) Petitioner shall not get involved in any offence during the period of this bail. (g) Petitioner shall not intimidate or influence the witnesses. (v) 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 (until committal of the case if B.A.No.2902 of 2014 4 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. AS /True Copy/ P.A. to Judge

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