

Prashanth Vs. State of Kerala

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Court : Kerala

Decided On : May-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Prashanth

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 27TH DAY OF MAY 2014 6TH JYAISHTA, 1936 Bail Appl..No. 3556 of 2014 ()
----- CRIME NO. 283/2014 OF PATTANAKKADU POLICE STATION, ALAPPUZHA DIST. PETITIONERS/ACCUSED NOS.1, 2, 4 & 5: ----- 1. PRASHANTH, S/O.RAGHAVAN NAIR, AGED 22 YEARS, KOCHUVELI CHIRA HOUSE, WARD NO.VI, KADAKKARAPPALLI PANCHAYATH, KADAKKARAPPALLI P.O., CHERTHALA.

2. SAJITH, S/O.BABU, AGED 19 YEARS, THAKIDIVELIYIL, WARD NO.VI, KADAKKARAPPALLI PANCHAYATH, KADAKKARAPPALLI P.O., CHERTHALA.

3. MURALEEKRISHNAN, S/O.SADASIVAN NAIR, AGED 26 YEARS, ASARI PARAMBIL, WARD NO.VI, KADAKKARAPPALLI PANCHAYATH, KADAKKARAPPALLI P.O., CHERTHALA.

4. SUDHEESH, S/O.SUKUMARAN, AGED29YEARS, KURAKKATTU CHIRA HOUSE, WARD NO.VI, KADAKKARAPPALLI PANCHAYATH, KADAKKARAPPALLI P.O.,CHERTHALA. BY ADV. SRI.C.K.SAJEEV. RESPONDENT/RESPONDENT: ----- STATE OF KERALA. REPRESENTED BY THE PUBLIC PROSECUTOR. HIGH COURT OF KERALA, ERNAKULAM-682 031. BY PUBLIC PROSECUTOR MR.V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2705-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
rs. THOMAS P. JOSEPH, J ----- B.A.No.3556 of 2014
----- Dated this the 27th day of May, 2014

ORDER

Petitioners are accused Nos.1, 2, 4 and 5 in Crime No.283 of 2014 of the Pattanakkadu Police Station for the offences punishable under Sections 143, 147, 148, 341, 323, 506(ii) and 308 r/w Section 149 of the Indian Penal Code and Section 23 of the J.J.

Act, are in custody from 01.05.2014 and seek bail.

2. Application is opposed by the learned Public Prosecutor. It is submitted that on 04.04.2014 at about 01.00 a.m while the de facto complainant, aged below 18 years was returning after a Temple festival he was attacked with sword, iron pipe etc. due to political rivalry. First accused used the sword while the second accused used an iron rod. The Sword is yet to be recovered. The 4th accused restrained the de facto complainant while the 5th accused fisted him.

3. Learned counsel submits that the allegations are not true and there happened to be scuffled in the course of the Temple festival.

4. Having regard to the relevant circumstances and the stage of investigation, I am inclined to think that the request of accused 1 and 2 for bail cannot be allowed at this B.A.No.3556 of 2014 2 stage. But, I am inclined to grant relief to the accused 4 and 5 as they are not reported to be involved in any other case from Pattanakkadu Police Station and considering their role in the alleged incident. Application is disposed of as under: (I) Request of accused 1 and 2 in Crime

No.283 of 2014 of the Pattanakkadu Police Station for bail is rejected leaving it open to them to move again after the investigation has progressed. (I) (i) Accused 4 and 5 are granted bail in Crime No.283 of 2014 of the Pattanakkadu Police Station and 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 accused 4 and 5. (b) Accused 4 and 5 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. B.A.No.3556 of 2014 3 (c) Accused 4 and 5 shall report to the officer investigating the case as and when required for interrogation. (d) Accused 4 and 5 shall not get involved in any offence during the period of this bail. (e) Accused 4 and 5 shall not intimidate or influence the witnesses. (ii) It is made clear that in case any of condition Nos. (b) to (e) 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 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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