

Hashim Vs. State of Kerala

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Court : Kerala

Decided On : May-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Hashim

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY,THE27H DAY OF MAY20146TH JYAISHTA, 1936 Bail Appl..No. 3683 of 2014 ()
----- CRIME NO. 125/2014 OF PANGODE POLICE STATION, THIRUVANANTHAPURAM ----- PETITIONER/ACCUSED :
----- HASHIM, AGED52YEARS S/O.MUHAMMED KUNJU, ANWAR HOUSE, KALLARA P.O. KALLARA VILLAGE, NEDUMANGADU TALUK THIRUVANANTHAPURAM DISTRICT. BY ADV. SRI.LATHEESH SEBASTIAN RESPONDENTS/STATE & COMPLAINANT :
----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682 031.

2. THE SUB INSPECTOR OF POLICE, PANGODE POLICE STATION, THIRUVANANTHAPURAM DISTRICT-695 004 R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP

FOR ADMISSION ON 27.05.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P. JOSEPH, J -----
B.A.No.3683 of 2014 ----- Dated this the 27th day of May, 2014

ORDER

Petitioner is accused in Crime No.125 of 2014 of the Pangode Police Station for the offence punishable under Section 384 r/w Section 34 of the Indian Penal Code, was arrested on 16.05.2014 and seeks bail.

2. Application is opposed by the learned Public Prosecutor. It is submitted that on 05.02.2014 at about 09.00 a.m the petitioner took the de facto complainant in a car and under threat, demanded Rs. 1 lakhs to exempt son of the de facto complainant from a criminal case. Rs. 10,000/- was collected from the pocket of the de facto complainant. The petitioner was arrested in connection with Crime No.382 of 2014 under Section 118(a) of the K.P. Act.

3. Learned counsel submits that the allegations are not true. According to the learned counsel, son of the de facto complainant attacked the son of the petitioner for which Annexure-A1 crime was registered for offences under Sections 452, 506(ii), 324 r/w Section 34 of the Indian Penal Code and Section 27 of the Arms Act and hence a false case is registered against the petitioner.

4. Having regard to the relevant circumstances, I am B.A.No.3683 of 2014 2 inclined to think that the petitioner could be released on bail but subject to conditions and protecting interest of the de facto complainant as well. Application is allowed as under: (i) Petitioner is granted bail in Crime No.125 of 2014 of the Pangode Police Station and 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.10,000/- (Rupees ten thousand only) in a Nationalized Bank in his name for a period of two years (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 victim such compensation to the extent possible could be realized from the amount in deposit. (d) Petitioner shall report to the officer investigating the B.A.No.3683 of 2014 3 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. (ii) 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). (iii) Since investigation is not completed, this order granting bail will take effect only from 31.05.2014 . Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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