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Faisal Vs. State of Kerala

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Court : Kerala

Decided On : May-29-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Faisal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE29H DAY OF MAY20148TH JYAISHTA, 1936 Bail Appl..No. 3511 of 2014 () ---------- CRIME NO. 506/2014 OF CHADAYAMANAGALAM POLICE STATION, KOLLAM ---------- PETITIONER/ACCUSED : ---------- FAISAL, S/O.ABDUL SALAM, AGED32YEARS BISMILLAH MANZIL, VALAYIDOM NILAMEL VILLAGE, KOLLAM DISTRICT. BY ADV. SRI.LATHEESH SEBASTIAN RESPONDENTS/STATE & COMPLAINANT : ---------- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM- 682031.

2. SUB INSPECTOR OF POLICE CHADAYAMANGALAM POLICE STATION KOLLAM DISTRICT-691001. R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2905-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P.

JOSEPH, J.

---------- Bail Appl.No. 3511 of 2014 () ----------
Dated this the 29th day of May, 2014

ORDER

Petitioner is accused in Crime No,506 of 2014 of Chadayamangalam Police Station for the offences punishable under Sections 308,323,324, 341 and 427 of the Indian Penal Code, apprehends arrest and has filed the application. 2.It is submitted that on 21.04.2014 at about 1 a.m. while the de facto complainant was walking along the side of the road, the petitioner came from behind riding a motor cycle and hit the de facto complainant with the motor cycle. When the de facto complainant fell down, he was assaulted with hand and was kicked. The de facto complainant lost `10,000/-, which he had with him. The motor cycle and the money are not recovered. 3.Learned counsel submitted that the allegations are not true. It is submitted that Section 308 of IPC was added only later. The de facto complainant had not sustained any injury. Learned counsel submits that the petitioner is prepared to produce the motor cycle before the police. Bail Appl.No. 3511 of 2014 () 2 4.Having regard to the circumstances of the case, I am inclined to grant relief to the petitioner subject to conditions. The application disposed of as under :

1. Petitioner shall surrender before the officer investigating the case on 06.06.2014 at about 10 am for interrogation.

2. In case interrogation is not completed that day, the petitioner shall appear before the officer investigating the case any other day/days and time as directed by the investigating officer.

3. The petitioner shall co-operate with investigation of the case.

4. In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day.

5. On such production the petitioner shall be released (provided that the motor cycle has been produced before the police or recovered by them), if not Bail

Appl.No. 3511 of 2014 () 3 required to be detained otherwise) on his executing bond for `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 `10,000/- (Rupees ten thousand only) in a nationalized bank (initially for a period of two years and renewable as per the order of the learned magistrate) and produce the Fixed Deposit receipt before the learned magistrate while executing the bail bond. c. In case the petitioner is found liable to pay compensation to the de facto complainant, such compensation to the extent possible could be realised from the amount in deposit. d. Petitioner shall report to the investigating Bail Appl.No. 3511 of 2014 () 4 officer on every alternate Saturday between 4 p.m. and 5 p.m. for a period of two months or until filing of the final report whichever is earlier. e. Petitioner shall report to the investigating officer as and when required for interrogation. f. Petitioner shall not influence or intimidate any of the witnesses. g. Petitioner shall not get involved any offence during the period of this bail. h. In case any of conditions Nos.(d) to (g) is violated, it is open to the investigating officer to file application before the learned Magistrate until committed of the case if any and thereafter before the Princpal Sessions Judge concerned for cancellation of the bail granted hereby, as held in P.K.Shaji v.State of Kerala [AIR 2006 SC100.

6. It is directed that in case the motor cycle is either not produced by the petitioner or not recovered, this order will cease to be Bail Appl.No. 3511 of 2014 () 5 effective on the petitioner being produced before the learned magistrate. In that event it is open to the petitioner to move application for bail before the learned magistrate which the learned magistrate shall decide as per the law. Sd/- THOMAS P. JOSEPH JUDGE AMV /TRUE COPY/ P.A.TO JUDGE

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