

Dinesh Vs. State of Kerala

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Court : Kerala

Decided On : May-29-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Dinesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 29^H DAY OF MAY 2014 8TH JYAISHTA, 1936 Bail Appl..No. 3154 of 2014 (D) ----- [CRIME NO. 728/2014 OF KARUNAGAPPALLY POLICE STATION, KOLLAM] PETITIONER/ 1ST ACCUSED: ----- DINISH.V.S, AGED 22 YEARS, ANEESH BHAVANAM, ADINADU SOUTH, KATTILKADAVU P.O, KOLLAM. BY ADV. SRI.M.R.SASITH PANICKER. RESPONDENTS: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031.

2. THE SUB INSPECTOR OF POLICE, KARUNAGAPPALLY, KOLLAM, PIN - 691 013. BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-05-2014, ALONG WITH B.A. NO.3155/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. N.K. BALAKRISHNAN, J.

----- B.A. Nos. 3154 & 3155 of 2014
----- Dated this the 29th day of May, 2014

ORDER

The 1st accused in Crime No.728/2014 is the petitioner in B.A. No.3154/2014. A2 to A5 in that crime are the petitioners in B.A. No.3155/2014. Offences alleged are under sections 143, 147, 148, 452, 341, 294(b), 506(ii), 354, 323, 324 and 427 r/w 149 of IPC. Apprehending arrest, these petitions are filed for anticipatory bail.

2. The allegation is that the accused persons trespassed into the residential house of the defacto complainant on 6.3.2014 at about 10.15 pm carrying deadly weapons like iron rod etc. Earlier the son of the defacto complainant and Arshad (one of the accused) were friends. Since the defacto complainant objected to that relationship and since her son withdrew from the company of the accused, they had animosity. Thus they trespassed into the B.A. Nos. 3154 & 3155/2014 -2- house with deadly weapons and attacked the complainant's son Arshad and her sister's son Sudeesh. It is alleged that the accused persons kicked and also outraged her modesty.

3. I have gone through the Case Diary and I am not inclined to grant anticipatory bail to the petitioner (A1) in B.A. No.3154/2014 and the 1st petitioner (A2) in B.A. No.3155/2014.

4. Petitioners 2 to 4 (A3 to A5) in B.A. No.3155/2014 shall surrender before the Investigating Officer within one week from today. After interrogation accused 3 to 5 shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will, considering the nature of the case, grant bail to the petitioners but on the following conditions: a. The petitioners shall execute a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the B.A. Nos. 3154 & 3155/2014 -3- satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The petitioners shall make themselves

available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further orders. c. The petitioners shall surrender their original passports before the learned jurisdictional Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. d. The petitioners will also file an affidavit that they will abide by all the conditions as mentioned above and B.A. Nos. 3154 & 3155/2014 -4- that they will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. e. The petitioners shall not leave India without the prior permission of the learned Magistrate. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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