

Prasad Vs. State of Kerala

Prasad Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1142655

Court : Kerala

Decided On : May-28-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Prasad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 28TH DAY OF MAY 2014 7TH JYAISHTA, 1936 Bail Appl..No. 3557 of 2014 ----- CRIME NO. 215/2014 OF PAYYAVOOR POLICE STATION , KANNUR ----- PETITIONER(S)/ACCUSED NO.1 TO3 ----- 1. PRASAD, AGED 34 YEARS, S/O.VASUDEVAN, PALLATTU THAZHE VEEDU, PAYYAVOOR.

2. KRISHNAKUMAR.K.G, AGED 29 YEARS, S/O.GANESH, KULANGARAYIL(H), PAYYAVOOR.

3. RATHEESH.M.S, AGED 30 YEARS, S/O.SREEDHARAN, MANDANATHU(H), PAYYAVOOR, MUTHARIKKALAM. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN RESPONDENT(S)/STATE: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM (CRIME

NO.215/14 OF PAYYAVOOR POLICE STATION, KANNUR DISTRICT). BY PUBLIC PROSECUTOR SRI.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.05.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P. JOSEPH, J.

----- Bail Appl. No.3557 of 2014
----- Dated this the 28th day of May 2014

ORDER

Petitioners are accused 1 to 3 in Crime No.215 of 2014 of the Payyavoor Police station for the offences punishable under Secs.452, 341, 324, 326 and 308 read with Sec.34 of the Indian Penal Code, are in custody from 10.05.2014 and seek bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 06.05.2014 at about 5.30 p.m., on account of political rivalry the petitioners trespassed into the shop of the defacto complainant and attacked him with iron rod, chopper etc. causing fracture of shaft of ulna. The weapons are recovered. The 3rd accused is involved in Crime No.101 of 2014 for offences including Secs.324 and 427 of the IPC.

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

4. Having heard both sides I am inclined to think that the petitioners could be released on bail but subject to conditions and protecting interest of the Bail Appl. No.3557 of 2014 2 defacto complainant also to some extent and from a future date since investigation of the case is not complete. The application is allowed as under: Petitioners are granted bail in Crime No.215 of 2014 of the Payyavoor Police station and shall be released (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 Jurisdictional magistrate and subject to the following conditions. (a) One of the sureties shall be a close relative of any of the petitioner. (b) Petitioners shall deposit Rs.15,000/- (Rupees fifteen thousand only) each in their respective name in a nationalised

bank (initially for a period of two years and renewable as per order of the learned Magistrate) and produce the Fixed Deposit receipts before the learned Bail Appl. No.3557 of 2014 3 magistrate while executing the bail bonds. (c) In case the case is decided against the petitioners or any of them and they/he are/is found liable, such compensation to the extent it possible could be realised from the amount in deposit. (d) Petitioners shall report to the officer investigating Crime No.215 of 2014 of the Payyavoor Police station on every Saturday between 10.00 am and 12.00 pm for a period of two months or until filing of the final report, whichever is earlier. (e) Petitioners shall report to the investigating officer as and when required for interrogation. (f) Petitioners shall not get involved in any offence during the period of this bail. (g) Petitioners shall not intimidate or influence the witnesses. (h) Except if necessary for compliance of Bail Appl. No.3557 of 2014 4 condition nos.(d) and (e), the petitioners shall not, until otherwise ordered and except with the permission of the learned magistrate (until committal of the case if any, and thereafter of the Principal Sessions Judge, concerned) enter local limits of the Payyavoor Police station. (i) In case any of condition nos.(d) to (h) is violated, it is open to the investigating officer to file application before the learned magistrate/Principal Sessions Judge as aforesaid for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. (j) Since investigation is not completed this order granting bail will take effect only from 02.06.2014 . Sd/- THOMAS P. JOSEPH JUDGE / True Copy / NS P.A. To Judge