

Sandeep Vs. State of Kerala

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Court : Kerala

Decided On : Jun-04-2014

Judge : Honourable Mr.Justice K.Vinod Chandran

Appellant : Sandeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 4TH DAY OF JUNE 2014 14TH JYASHTA, 1936 Bail Appl..No. 3675 of 2014 () ----- CRIME NO. 1295/2013 OF CHINGAVANAM POLICE STATION , KOTTAYAM PETITIONER'S/ACCUSED 2 & 3: ----- 1. SANDEEP, AGED 19 YEARS S/O.SANTHOSH, THUNDIYIL HOUSE, PALLOM P.O. NATTAKOM VILLAGE.

2. RAJU P.Y., AGED 42 YEARS S/O.YOHANNAN, PUTHUVAL HOUSE, PALLOM P.O. KOTTAYAM. BY ADV. SRI.SURIN GEORGE IPE
RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA AT ERNAKULAM. BY PUBLIC PROSECUTOR: ADV. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-06-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

Dated this the 04th day of June, 2014

ORDER

Petitioners are accused Nos.2 and 3, in Crime No.1295 of 2013 of the Chingavanam Police Station for the offences punishable under Secs.341, 323, 506 and 308 of the Indian Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 15.12.2013 at about 10.45p.m, the petitioners and the first accused tried to enter the temple in a drunken mood and when the cousin brother of the de facto complainant prevented that, the first accused stabbed him with knife. Petitioners wrongfully restrained and fisted him. The first accused is not arrested and the knife is not recovered, 3. Learned counsel submits that the allegations against the petitioners are not true. The first petitioner was attacked and he was admitted in the hospital. The police registered Crime No.1304 of 2014 for the offences punishable under Secs.341, 323 and 324 of the Penal Code. Learned counsel gave me a copy of wound certificate of the first petitioner which refers to admission of Sandeep in the District Hospital, Kottayam on 16.12.2013 with two B.A.No.3675 of 2014 2 lacerated wounds.

4. On hearing both sides, it is revealed that the knife was used by the first accused and the role attributed to the petitioners is wrongful restraint and fisting with hands. In the circumstances, I am inclined to grant relief to the petitioners. Resultantly the application is disposed of as under: (i) Petitioners are granted bail in Crime No.1295 of 2013 of the Chingavanam Police Station and shall be released, if not required to be detained otherwise on their executing bond for `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 petitioners. (b) Petitioners shall report to the Officer investigating Crime No.1295 of 2013 of the Chingavanam Police Station on every Saturday between 10 a.m and 12 p.m for a period of two months or until final report is filed, whichever is earlier.

(c) Petitioners shall report to the Investigating Officer as and when directed for interrogation. (d) Petitioners shall not, during the period of this bail get involved in any offence. B.A.No.3675 of 2014 3 (e) Petitioners shall not intimidate or influence the witnesses. (f) In case of violation of any of condition Nos.(b) to (e), bail granted hereby is liable to be cancelled by moving application before the learned magistrate (until committal if any, and thereafter before the learned Principal Sessions Judge concerned) as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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