

Ashraf Vs. State of Kerala

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Court : Kerala

Decided On : Jun-10-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Ashraf

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 10TH DAY OF JUNE 2014 20TH JYAISHTA, 1936 BAIL APPL..NO. 2640 OF 2014()
----- CRIME NO. 169/2014 OF PEERUMEDU POLICE STATION , IDUKKI PETITIONER(S)/ACCUSED 104

1. ASHRAF AGED 40 YEARS S/O.NAGOORKANI BHAVA, KOLLAMPARAMBIL HOUSE, KALLARKARA PEERUMEDU VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.

2. RAMACHANDRAN AGED 45 YEARS S/O.KUMARANKUTTY, POOVAKKULAMA HOUSE KALLAR OTTAPPALAM KARA, PEERUMEDU VILLAGE PEERUMEDU TALUK, IDUKKI DISTRICT.

3. SATHAR AGED 35 YEARS S/O.AZEEZ, PUTHUPARAMBIL HOUSE, KALLAR KARA PEERUMEDU VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT.

4. AZEEZ AGED 60 YEARS S/O. KANI, PUTHUPARAMBIL HOUSE, KALLAR KARA PEERUMEDU VILLAGE, PEERUMEDU TALUK, IDUKKI DISTRICT BY ADVS. SRI. T. A. UNNIKRISHNAN SRI. K. S. PRAVEEN RESPONDENT(S):
----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM REPRESENTING SUB INSPECTOR OF POLICE, PEERUMEDU. BY PUBLIC PROSECUTOR SHRI V. S. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10.06.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P. JOSEPH, J.

===== B.A. No. 2640 of 2014
===== Dated this the 10th day of June, 2014

ORDER

Petitioners are accused in Crime No. 169 of 2014 of the Peerumedu Police Station for the offences punishable under Section 379 read with Sec. 34 of the Indian Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that between 13.03.2014 and 16.03.2014, the petitioners trespassed into the property of the de facto complainant and cut and removed softwood trees.

3. Learned counsel submitted that the allegations are not true. It is submitted that the 1st petitioner purchased 1.50 acres in Sy. No. 645/2 in the year 1998. There are suits pending between the parties regarding title and possession of the property. It is submitted that dispute involved is of a civil nature.

4. Having regard to the circumstances of the case and also the pendency of suits between the parties, I am satisfied that custodial interrogation of the petitioners is not required. Hence I am inclined to grant relief. B.A. No. 2640 of 2014 -:

2. :- Application is disposed of as under: (i) Petitioners shall surrender before the Officer investigating Crime No. 169 of 2014 of the Peerumedu Police station on 17.06.2014 at 10.00 am for interrogation. (ii) In case interrogation of the petitioners

is not completed that day, it is open to the investigating Officer to direct presence of the petitioners on any other day/days and time which the petitioners shall comply. (iii) In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate the same day. (iv) On such production learned magistrate shall release the petitioners on bail on their executing bond for Rs.15,000/- (Rupees Fifteen thousand only) each with two sureties each 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 any of the petitioners. (b) Petitioners shall report to the investigating Officer as and when required for interrogation. (c) Petitioners shall not get involved any offence during the period of this bail. B.A. No. 2640 of 2014 -:

3. :- (d) Petitioners shall not intimidate or influence the witnesses. (v) In case the petitioner violates any of conditions (b) to (d), it is open to the investigating Officer to move the learned magistrate for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. THOMAS P.JOSEPH, JUDGE. vsv

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