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Sudeesh Vs. State of Kerala

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Court : Kerala

Decided On : Jun-10-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sudeesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE10H DAY OF JUNE201420TH JYAISHTA, 1936 Bail Appl..No. 3059 of 2014 () ---------- CRIME NO. 11/2014 OF SREEKRISHNAPURAM POLICE STATION , PALAKKAD PETITIONER(S)/ACCUSED NO. 3 & 4: ---------- 1. SUDEESH AGED31YEARS S/O.CHANDRAN NAIR, KINASSERI, KALLUVAZHI POOKKOTTUKAVU, OTTAPPALAM TALUK, PALAKKAD DISTRICT2 VIVEK AGED19YEARS S/O.CHANDRAN, NJADIKKUNNU HOUSE, KINASSERI KALLUVAZHI, OTTAPPALAM TALUK, PALAKKAD DISTRICT BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN RESPONDENT(S)/STATE: ---------- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA ERNAKULAM682031(CRIME NO.11/2014 OF SREEKRISHNAPURAM POLICE STATION PALAKKAD DISTRICT) 2. STATION HOUSE OFFICER SREEKRISHNA POLICE STATION PALAKKAD DISTRICT679513(CRIME NO.11/2014 OF SREEKRISHNAPURAM POLICE

STATION PALAKKAD DISTRICT) BY PUBLIC PROSECUTOR: ADV. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1006-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

========== B.A.No.3059 of 2014 ========== Dated this the 10th day of June, 2014

ORDER

Petitioners are accused Nos.1 and 2 in Crime No.11 of 2014 of the Sreekrishnapuram Police Station for the offences punishable under Secs.323, 324, 506(ii), 294(b) and 308 r/w 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 on 05.01.2014 at about 6p.m, the petitioners attacked the de facto complainant with cricket bat, stick etc. and attempted to cause his death. It is revealed that the first petitioner is involved in Crime No.307 of 2012 of the Cherpulassery Police Station for the offence punishable under Sec.302 of the Penal Code. The weapons are not recovered.

3. Learned counsel submits that the allegations are not true. The de facto complainant attacked one of the accused for which Crime No.9 of 2014 is registered.

4. Having regard to the circumstances of the case including antecedents of the first petitioner, his request for pre-arrest bail cannot be allowed. But, it is revealed that the second petitioner is aged about 19 years. He is not reported to be involved in any other B.A.No.3059 of 2014 2 case. Hence I am inclined to grant relief to the second petitioner but subject to conditions. The application is disposed of as under: (i) Request of the first petitioner/first accused in Crime No.11 of 2014 of the Sreekrishnapuram Police Station is rejected. (ii) The second petitioner/second accused shall surrender before the officer investigating Crime No.11 of 2014 of the Sreekrishnapuram Police Station on 17.06.2014 at 10 a.m for interrogation. (iii) In

case interrogation is not completed that day, it is open to the officer concerned to direct presence of the second petitioner/second accused on other day/days and time as may be specified by him which the second petitioner/second accused shall comply. (iv) The second petitioner/second accused shall co-operate with the investigation of the case. (v) In case arrest of the second petitioner/second accused is recorded, he shall be produced before the jurisdictional magistrate the same day. (vi) On such production the second petitioner/second accused shall be released on bail (if not 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 B.A.No.3059 of 2014 3 jurisdictional magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of the second petitioner/second accused. (b) The second petitioner/second accused shall report to the officer investigating Crime No.11 of 2014 of the Sreekrishnapuram Police Station on all alternate Saturday between 10a.m and 12p.m for a period of two months or till final report is filed, whichever is earlier. (c) The second petitioner/second accused shall report to the Investigating Officer as and when required for interrogation. (d) The second petitioner/second accused shall not get involved in any offence during the period of this bail. (e) The second petitioner/second accused shall not intimidate or influence the witnesses. (f) In case the second petitioner/second accused violate any of condition Nos.(b) to (e), it is open to the investigating officer to move the learned magistrate (until committal of the case if any, and thereafter before the learned Principal Sessions Judge concerned) for cancellation of the bail as held in B.A.No.3059 of 2014 4 P.K Shaji Vs. State of Kerala (AIR 2006 SC100. (g) It is made clear that in case the weapon allegedly used by the second petitioner/second accused is either not seized or recovered by the time he is produced before the jurisdictional magistrate, this order granting pre-arrest bail to the second petitioner would cease to be effective. Thereon, it is open to him to file application before the learned magistrate for regular bail as provided under the law. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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