

Rajeev Vs. State of Kerala

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Court : Kerala

Decided On : Jun-10-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Rajeev

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. 3826 of 2014 (C) ----- [CRIME NO. 2010/2014 OF PERUMBAVOOR POLICE STATION] PETITIONER/ACCUSED NO.1: ----- RAJEEV, AGED49YEARS, S/O.THOMMY, PALLICKAL HOUSE, MALAMURY, PULLUVAZHY P.O, PERUMBAVOOR. BY ADV. SRI.IEANS.C.CHAMAKKALA. RESPONDENT: ----- KERALA STATE, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM -682 031. BY PUBLIC PROSECUTOR SRI. V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1006-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Prv. THOMAS P. JOSEPH, J ----- B.A.No.3826 of 2014 ----- Dated this the 10th day of June, 2014

ORDER

Petitioner is the first accused in Crime No.2010 of 2014 of the Perumbavoor Police Station for the offences punishable under Sections 452, 324, 294(b) r/w Section 34 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 04.05.2014 at about 04.00 p.m., the petitioner and others trespassed into the curry powder packing unit of Sajeevan and attacked his employee with iron rod.

3. Learned counsel submits that Sajeevan is a brother of the petitioner. Between them, there are a few civil cases pending. On the day of the incident, the de facto complainant and others attacked the petitioner and others for which the Police have registered Crime No. 2011 of 2014 for offences including Sections 148, 341, 324 r/w Section 34 of the Indian Penal Code.

4. On hearing both sides, it is revealed that the weapon (allegedly) used by the petitioner is seized. Having B.A.No.3826 of 2014 2 regard to the relevant circumstances above stated, I am inclined to think that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief to the petitioner. Application is allowed as under: (i) Petitioner shall surrender before the Officer investigating Crime No.2010 of 2014 of the Perumbavoor Police Station on 17.06.2014 at 10 a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioner on other day/days and time and place as may be specified by him which the petitioner shall comply. (iii) In case arrest of the petitioner is recorded, he shall be produced before the jurisdictional magistrate the same day. (iv) On such production the petitioner shall be released on bail (if not required to be detained otherwise) on his executing bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties 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 the petitioner. (b) Petitioner shall report to the officer investigating the B.A.No.3826 of 2014 3 case on every alternate Saturday between 10.00 a.m. and 12.00 p.m. for a period of two months or until filing of the final report, whichever is earlier. (c) Petitioner shall report to the officer investigating the case as and when required for interrogation. (d) Petitioner shall not, during the period of this bail get involved in

any offence. (e) Petitioner shall not intimidate or influence the witnesses. (v) It is made clear that in case any of condition Nos. (b) to (e) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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