

Safthar Vs. State

Safthar Vs. State

SooperKanoon Citation : sooperkanoon.com/1152090

Court : Kerala

Decided On : Jun-12-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Safthar

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 12^H DAY OF JUNE 2014 22ND JYAISHTA, 1936 BAIL APPL..NO. 3973 OF 2014()
----- CRIME NO. 240/2014 OF PAYANGADI POLICE STATION , KANNUR PETITIONER(S)/PETITIONER/ACCUSED NO.5:
----- SAFTHAR AGED 20 YEARS S/O NAZAR, PUTHIYANGADI BEACH ROAD, MADAI P.O. KANNUR DISTRICT. BY ADVS.SRI.M.SASINDRAN SRI.A.ARUNKUMAR
RESPONDENT(S)/RESPONDENTS/COMPLAINANT & STATE:
----- 1. STATE - REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE STATION HOUSE OFFICER (CRIME NO.240 OF 2014 OF PAYANGADI POLICE STATION) KANNUR DISTRICT - 670 001. BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON1206.23104, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
THOMAS P.JOSEPH, J.

===== B.A. No.3973 of 2014
===== Dated this the 12th day of June,
2014

ORDER

Petitioner is the 5th accused in Crime No.240 of 2014 of the Payangadi Police Station for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 308 and 506(i) read with Sec.149 of the Indian Penal Code, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 15.04.2014 at about 8.30 p.m the petitioner and others wrongfully restrained and voluntarily caused hurt to the de facto complainant and his uncle due to previous enmity with granite stone.

3. Learned counsel submitted that the allegations are not true. It is submitted that the de facto complainant is a drunkard, he fell on the ground and sustained injury. It is also submitted that there is no overt act attributed to the petitioner.

4. The 1st accused is stated to have used the granite stone. Having regard to the role attributed to the petitioner and that he is not reported to be involved in any other case from B.A. No. 3973 of 2014 -:

2. :- Payangadi Police Station, I am inclined to grant relief but subject to conditions. Application is allowed as under: (i) Petitioner shall surrender before the the Officer investigating Crime No.240 of 2014 of the Payangadi Police Station on 18.06.2014 at 10.00 a.m for interrogation. (ii) If interrogation of the petitioner is not completed that day, he shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioner shall comply. (iii) In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day. (iv) On such production, the petitioner shall be released (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 case on every alternate Saturday between 10.00 a.m and B.A. No. 3973 of 2014 -:

3. :- 12.00 p.m until final report is filed or for two months whichever is earlier. (c) Petitioner shall report to the officer investigating the case as and when required for interrogation. (d) Petitioner shall not get involved in any offence during the period of this bail. (e) Petitioner shall not intimidate or influence the witnesses. (v) In case the petitioner violates any of conditions (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 Principal Sessions Judge concerned for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH, JUDGE. vsv

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com