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

Suresh Kumar Vs. State of Kerala

Suresh Kumar Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1152735

Court : Kerala

Decided On : Jun-20-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Suresh Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE20H DAYOF JUNE201430TH JYAISHTA, 1936 Bail Appl..No. 4202 of 2014 () ---------- CRIME NO. 299/2014 OF THIRUVALLA POLICE STATION, PATHANAMTHITTA DIST. ..... PETITIONERS/ACCUSED1& 2:- ---------- 1. SURESH KUMAR. P.S., AGED45YEARS, PADINJAREPARAMBIL HOUSE, MUTHOOR, THIRUVALLA.

2. BINOJ VARGHESE, AGED37YEARS, UZHATHIL PARAYIL HOUSE, ERAVALLIPRA MURI, KUTTAPPAUZHA VILLAGE. BY ADVS.SRI.T.P.PRADEEP, SRI.P.K.SATHEES KUMAR. RESPONDENTS/COMPLAINANTS:-: ---------- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN-682 031.

2. SUB INSPECTOR OF POLICE, THIRUVALLA-689 101. BY PUBLIC PROSECUTOR MR.V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2006-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. THOMAS P. JOSEPH, J ---------- B.A.No.4202 of 2014 ---------- Dated this the 20th day of June, 2014

ORDER

Petitioners are accused 1 and 2 in Crime No.299 of 2014 of the Thiruvalla Police Station for the offences punishable under Sections 451, 294(b), 506(i), 353 r/w Section 34 of the Indian Penal Code, apprehend arrest and have filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that petitioners who are councilors of the Thiruvalla Municipality along with the 3rd accused, a junior health inspector of that Municipality trespassed into the room of the de facto complainant who is another health inspector of the same Municipality on 10.02.2014 at about 04.15 p.m., threatened and abused him and obstructed him from discharging his official duty.

3. Learned counsel submits that the allegations are false. It is submitted that due to the inaction and dereliction of duty of the de facto complainant and for other reasons he was suspended by the Municipality as per Annexure A order dated 15.02.2014 and though, a complaint against the petitioners B.A.No.4202 of 2014 2 and the 3rd accused was preferred by the de facto complainant, he insisted for registration of the case after Annexure-A order and accordingly, the case was registered on 16.02.2014. It is submitted that though initially the de facto complainant had alleged that the laptop and other articles of the Municipality were damaged and Section 3(1) of the PDPP Act was incorporated, that offence was later deleted. According to the learned counsel, the de facto complainant was questioned about his inaction in the matter of waste management.

4. In the nature of allegations made, I am satisfied that custodial interrogation of the petitioners is not required. Hence I am inclined to grant relief but subject to conditions. Application is allowed as under: (i) Petitioners shall surrender before

the Officer investigating Crime No.299 of 2014 of the Thiruvalla Police Station on 27.06.2014 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 petitioners on other day/days and time as may be specified by him which the petitioners shall comply. (iii) In case petitioners are arrested, they shall be released by the arresting officer on bail (if not required to be B.A.No.4202 of 2014 3 detained otherwise) on their executing bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties each for the like sum each before the arresting officer and subject to the following conditions: (a) Petitioners shall report to the investigating officer as and when required for interrogation. (b) Petitioners shall not intimidate or influence the witnesses. (iv) In case the petitioners violate any of condition (a) and (b), it is open to the investigating officer to move the jurisdictional magistrate for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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