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Shaji Vs. the State of Kerala

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Court : Kerala

Decided On : Jun-19-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shaji

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE19H DAY OF JUNE201429TH JYAISHTA, 1936 Bail Appl..No. 4148 of 2014 () ---------- CRIME NO. 216/2014 OF KARUKACHAL POLICE STATION , KOTTAYAM DISTRICT ---------- PETITIONER(S)/ACCUSED NO1& 3: ----------
1. SHAJI, S/O K.G. THANKAPPAN,AGED43YEARS, AMBIKAILASAM HOUSE,NEDUMKUNNAM POST, KOTTAYAM DISTRICT.

2. ANISH GOPI, S/O GOPAKUMAR, AGED24YEARS, EDAVALANJIKAROTTU HOUSE, NEDUMKUNNAM POST, KOTTAYAM DISTRICT. BY ADVS.SRI.K.A.RIYAS SRI.V.J.JAMES COUNTER PETITIONER/ RESPONDENT: ---------- THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1906-2014, THE

COURT ON THE SAME DAY PASSED THE FOLLOWING: sts THOMAS P. JOSEPH, J ---------- B.A.No.4148 of 2014 ---------- Dated this the 19th day of June, 2014

ORDER

Petitioners are accused 1 and 3 in Crime No.216 of 2014 of the Karukachal Police Station for the offences punishable under Sections 294(b), 452, 341, 324, 506(ii) and 326 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 on 26.02.2014 at about 10.30 p.m., the petitioners and the second accused trespassed into the house of the de facto complainant, he was assaulted, tied in front of his house with a rope and the second petitioner assaulted him with a stone causing fracture of the skull. The rope is recovered but the stone is not recovered.

3. Learned counsel submitted that the allegations are not true. The de facto complainant is an addict to alcohol and ganja. On 28.02.2014 at about 11.00 p.m., he came to the house of the first petitioner, fully drunk and when he was asked to leave the place, he misbehaved exhibiting his private parts. He was pushed out. It is submitted that the second accused is B.A.No.4148 of 2014 2 already arrested and released on bail.

4. I have gone through the C.D. file. I find from the wound certificate that the de facto complainant was admitted in the hospital on 27.02.2014 and discharged on 06.03.2014. C.T. scan revealed that he had linear fracture of left patetal bone, etc.

5. In the nature of allegations made against the petitioners and investigation required to be done request for bail cannot be allowed. But I am inclined to issue directions. Application is disposed of as under: (i) Petitioners shall surrender before the Officer investigating Crime No.216 of 2014 of the Karukachal 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 arrest of the petitioners is recorded, they shall

be produced before the jurisdictional magistrate the same day where, it is open to the petitioners to move application for regular bail with intimation given to the Assistant Public Prosecutor concerned at least, three working days in advance. B.A.No.4148 of 2014 3 (iv) If for any reason custody of the petitioners is required, investigating officer can move application for that purpose before the learned magistrate. (v) Learned magistrate shall consider the application(s) having regard to all relevant circumstances including whether custody of the petitioners is required for any purpose and pass appropriate orders as early as possible. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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