

Prasanth Vs. State of Kerala

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Court : Kerala

Decided On : Jun-19-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Prasanth

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 19TH DAY OF JUNE 2014 29TH JYAISHTA, 1936 Bail Appl..No. 4400 of 2014 ()
----- CRIME NO. 363/2014 OF BALARAMAPURAM POLICE STATION, THIRUVANANTHAPURAM DISTRICT.
PETITIONERS/ACCUSED NOS. 2 TO 5 AND 7
----- 1. PRASANTH, AGED 30 YEARS, S/O. ASOKAN, NM II/364, KUNJUVEETIL, MOOLACHALKONAM, ARALUMMOODU, THALAYAL, ATHIYANOOR.

2. UNNI @ KOCHUNNI, AGED 21 YEARS, S/O. RAVEENDRAN, KORATHALA THALAYAL, PUTHENVEEDU, AP III/488, MELEMUKALILVILA, ARALUMMOODU, THALAYAL, ATHIYANOOR.

3. SIVAN, AGED 27 YEARS, NM V/493, KOTTARATHUVILA, PALLIVILA, KOOTTAPANA, PERUMPAZHUTHOOR.

4. SURESH, AGED 31 YEARS, PALKUNNU, PONGUMMOODU, MARANALLOOR.

5. RAJESH, AGED 26 YEARS, S/O. RAJAN, AYANIYARATHALA, KIZHAKKINKARA PUTHENVEEDU, NEAR KOTTOOR STADIUM, PERUMPAZHATHOOR VILLAGE. BY ADVS. SRI. JOBY CYRIAC, SRI. GEORGE SEBASTIAN. RESPONDENT/COMPLAINANT: -----
STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. BY PUBLIC PROSECUTOR MR. V. S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19.06.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. THOMAS P. JOSEPH, J -----
B.A.No.4400 of 2014 ----- Dated this the 19th day of June, 2014

ORDER

Petitioners are accused in Crime No.363 of 2014 of the Balaramapuram Police Station for the offences punishable under Sections 143, 148, 324, 308 r/w Section 149 of the Indian Penal Code, Section 27 of the Arms Act, are in custody from 22.05.2014/27.05.2014 and seek bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 24.03.2014 at about 08.35 p.m., the 3rd accused invited the de facto complainant to the place of occurrence, accused 1 to 10 came in a motor cycle and attacked the de facto complainant with swords etc. Some of the accused are yet to be identified. Accused 1 and 2 used swords. The weapons are recovered.

3. Learned counsel submits that allegations are not true. It is submitted that there was a property dispute between the de facto complainant and others.

4. Having regard to the nature of allegations made against first petitioner/second accused and the further investigation required to be done, his request for bail cannot be B.A.No.4400 of 2014 2 allowed at this stage but I am inclined to grant relief to the petitioners 2 to 5 who are not reported to be involved in any other case from the Balaramapuram Police Station. Application is disposed of as under: (i) Request of the first petitioner/second accused in Crime No.363 of 2014 of the

Balaramapuram Police Station for bail is rejected leaving it open to him to move again at a later stage of the investigation. (ii) Petitioners 2 to 5 are granted bail in Crime No.363 of 2014 of the Balaramapuram Police Station and shall be released on bail (if not required to be detained otherwise) on their executing bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties each for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of any of the petitioners 2 to 5 . (b) Petitioners 2 to 5 shall report to the officer investigating the case on every Monday and 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) Petitioners 2 to 5 shall report to the investigating B.A.No.4400 of 2014 3 officer as and when required for interrogation. (d) Petitioners 2 to 5 shall not get involved in any offence during the period of this bail. (e) Petitioners 2 to 5 shall not intimidate or influence the witnesses. (iii) In case the petitioners 2 to 5 or any of them 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 P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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