

Vijesh Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Jun-18-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Vijesh Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 18TH DAY OF JUNE 2014 28TH JYAISHTA, 1936 Bail Appl..No. 4131 of 2014 ----- CRIME NO. 265/2014 OF OTTAPALAM POLICE STATION , PALAKKAD ... PETITIONER/ACCUSED:-: ----- VIJESH KUMAR, AGED 19 YEARS, S/O.KUMARAN, KONDHRAMKUNDIL HOUSE, PANAMANNA, OTTAPALAM TALUK, PALAKKAD DISTRICT. BY ADV. SRI.P.JAYARAM RESPONDENT/COMPLAINANT:-: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031. BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 1806-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J ----- B.A.No.4131 of 2014 ----- Dated this the 18th day of June, 2014

ORDER

Petitioner is the 5th accused in Crime No.265 of 2014 of the Ottapalam Police Station for the offences punishable under Sections 143, 147, 148, 324, 341, 308, 427 r/w Section 149 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 10.03.2014 at about 10.15 p.m., the petitioner and others pelted stones at the de facto complainant who was driving his goods autorickshaw and caused loss of around Rs.5,000/-.

3. Learned counsel submits that allegations against the petitioner are not true. It is pointed out that 3rd accused in the case was granted relief by this Court as per order dated 11.04.2014 in B.A.No.2473 of 2014.

4. On hearing both sides, I do not find reason why I should take a different view so far as request made by the petitioner is concerned. I am inclined to allow the request. Application is allowed as under: (i) Petitioner shall surrender before the officer investigating Crime No.265 of 2014 of the Ottapalam Police B.A.No.4131 of 2014 2 Station on 26.06.2014 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 as 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 20,000/- (Rupees twenty thousand only) with three sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) Whether or not he/she has landed property, one of the sureties shall be the mother/father/brother/close relative of the petitioner. (b) Petitioner shall deposit of Rs.2,000/-(Rupees two thousand only) in a Nationalized /Scheduled Bank/Co-operative Society as the case may be initially for a period of two years (renewable as per order of the learned magistrate) and produce the FD receipt before the learned magistrate while executing the bail bond. (c) In case the case is decided against the petitioner and he is made liable to pay compensation to the defacto B.A.No.4131 of 2014 3 complainat, such compensation could be

realized from the amount in deposit to the extent possible. (d) Petitioner shall report to the officer investigating the 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. (e) Petitioner shall report to the Investigating Officer as and when required for interrogation. (f) Petitioner shall not get involved in any offence during the period of this bail. (g) Petitioner shall not intimidate or influence the witnesses. (v) In case the petitioner violates any of condition Nos. (d) to (g), 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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