

Yasirkhan Vs. State of Kerala

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Court : Kerala

Decided On : Jun-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Yasirkhan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 27TH DAY OF JUNE 2014 6TH ASHADHA, 1936 Bail Appl..No. 4506 of 2014 () ----- CRIME NO. 163/2014 OF CHEVAYUR POLICE STATION, KOZHIKODE DISTRICT. PETITIONER/ACCUSED: ----- YASIRKHAN, S/O. ABOOBACKER, AGED 21 YEARS, MANNOORUMETHAL HOUSE, CHELAVOOR AMSOM DESOM, MOOZHICKAL, KOZHICKODE HOUSE, KOOLIMUTTAM, KODUNGALLUR TALUK. BY ADVS.SRI.M.SHAJU PURUSHOTHAMAN, SRI.K.S.RAJESH. RESPONDENTS/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING THE S.I. OF POLICE, CHEVAYUR, KOZHIKODE-688 533. BY PUBLIC PROSECUTOR MR.V.S. SREEJITH. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-06-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. THOMAS P. JOSEPH, J.

----- Dated this the 27th day of June 2014

ORDER

Petitioner is accused in Crime No.163 of 2014 of the Chevayur Police station for the offences punishable under Sec.511 of Sec.379 of the Indian Penal Code, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted hat on 24.02.2014 at about 9.45 p.m., the defacto complainant found the petitioner hiding in the porch of his house and running away therefrom jumping over the compound wall. A motorcycle was seen kept near the compound wall which was taken to custody by the Police. The motorcycle belonged to the petitioner. Purpose of the petitioner hiding is to be ascertained by interrogation.

3. Learned counsel submitted that the allegations are not true. Though the alleged incident was on Bail Appl. No.4506 of 2014 2 24.02.2014, a complaint was preferred only on 01.03.2014. According to the learned counsel, the motorcycle was not seized from the place claimed by the prosecution.

4. It is revealed that the motorcycle belonging to the petitioner was taken to custody by the Police (allegedly) from near the house of the defacto complainant. In the circumstances, I am inclined to think that the petitioner has to be questioned by the investigating officer as to what if any was his intention in allegedly hiding in the porch of the defacto complainant. Pre arrest bail cannot be granted but, I am inclined to issue directions. If interrogation of the petitioner is over, learned magistrate has to consider whether the petitioner's detention is required for any purpose. Application is disposed of as under.

1. Petitioner shall surrender before the officer investigating Crime No.163 of 2014 of the Chevayur Police station on 07.07.2014 at 10.00 Bail Appl. No.4506 of 2014 3 am for interrogation.

2. In case interrogation of the petitioner is not completed that day, it is open to the investigating officer to direct presence of the petitioner on any other day/days and

time which the petitioner shall comply.

3. Petitioner shall co-operate with investigation of the case.

4. In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day where it is open to the petitioner to request for bail with intimation given to the Assistant Public Prosecutor concerned at least two working days in advance.

5. If custody of the petitioner is required for any purpose, the investigating officer also can move application before the learned magistrate.

6. Learned magistrate shall consider the Bail Appl. No.4506 of 2014 4 application(s) having regard to all relevant circumstances including whether detention of the petitioner is required for recovery of any material object etc. and pass appropriate orders as early as possible. Sd/- THOMAS P. JOSEPH JUDGE / True Copy / NS P.A. To Judge

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