

Sajesh Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1153437

Court : Kerala

Decided On : Jun-26-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 26^H DAY OF JUNE 2014 5TH ASHADHA, 1936 Bail Appl..No. 4599 of 2014 ()
----- CRIME NO. 489/2014 OF THALIPARAMBA POLICE STATION (KANNUR DT) ----- PETITIONERS : ----- 1. SAJESH A.P., AGED 29 YEARS, S/O. GANGADHARAN, PANTHANDA HOUSE, KURUMATHUR AMSOM DESOM, KURUMATHUR P.O., KANNUR DT.

2. SREEJITH A., AGED 30 YEARS, S/O. SREEDHARAN, ARIYODI HOUSE, KURUMATHUR AMSOM, DESOM, KURUMATHUR P.O., KANNUR DT.

3. PRAJEESH K., AGED 29 YEARS, S/O. KUNHIRAMAN, KAROTH HOUSE, KURUMATHUR AMSOM, DESOM, KURUMATHUR P.O., KANNUR DT.

4. PRASANTHAN M., AGED 36 YEARS, S/O. KUNHIRAMAN, KAPPADAN HOUSE, KURUMATHUR AMSOM, DESOM, KURUMATHUR P.O., KANNUR DT.

5. PRAMOD P.V., AGED33YEARS, S/O. YASODA, KUNNOTH HOUSE, KURUMATHUR AMSOM, DESOM, KURUMATHUR P.O., KANNUR DT.

6. RAGESH K., AGED34YEARS, S/O. YASODHA, KOLANJADIYIL, KURUMATHUR AMSOM, DESOM, KURUMATHUR P.O., KANNUR DT. BY ADVS.SRI.P.NARAYANAN SRI.NICHOLAS JOSEPH RESPONDENT :
----- STATE OF KERALA THROUGH STATION HOUSE OFFICER, TALIPARAMBA POLICE STATION, REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON2606-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: BP THOMAS P. JOSEPH, J.

----- Bail Appl. No.4599 of 2014
----- Dated this the 26th day of June 2014

ORDER

Accused nos.1 to 6 in Crime No.489 of 2014 of the Taliparamba Police station registered for the offences punishable under Secs.143, 147, 148, 341, 323, 324, 427 and 308 read with Sec.149 of the Indian Penal Code and who are in custody from 16.06.2014 seek bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 14.04.2014 at about 10 p.m. these accused attacked the defacto complainant with torch, stone etc. and committed mischief causing loss. The torch is not recovered.

3. Learned counsel submitted that the allegations are not true. It is submitted that the defacto complainant and others trespassed into the office of the political party to which these accused belong and committed mischief for which a separate case is registered. Learned counsel also Bail Appl. No.4599 of 2014 2 submitted that the injury allegedly suffered by the defacto complainant are minor in nature.

3. The 2nd accused is said to have assaulted the defacto complainant with torch. Since the torch is not seized/recovered, request for bail made by the 2nd accused cannot be allowed at this stage.

4. But I am inclined to grant relief to the other accused as their further custody is not required. The application is disposed of as under: I. Request of the 2nd accused for bail is rejected leaving it open to him to move again after the investigation has progressed. II. Accused nos. 1 and 3 to 6 are granted bail in Crime No.489 of 2014 of the Taliparamba 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 Bail Appl. No.4599 of 2014 3 jurisdictional magistrate and subject to the following conditions. (a) One of the sureties shall be a close relative of any of accused 1 and 3 to 6. (b) Accused nos.1 and 3 to 6 shall report to the investigating officer on every alternate Saturday between 10.00 am and 12.00 pm for a period of two months or until filing of the final report whichever is earlier. (c) Accused nos.1 and 3 to 6 shall report to the investigating officer as and when required for interrogation. (d) Accused nos.1 and 3 to 6 shall not get involved in any offence during the period of this bail. (e) Accused nos.1 and 3 to 6 shall not intimidate or influence the witnesses. (f) In case any of condition nos.(b) to (e) is violated, it is open to the investigating officer Bail Appl. No.4599 of 2014 4 to file application before the learned magistrate (until committal of the case if any, and thereafter before the learned Principal Sessions Judge concerned) for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE / True Copy / NS P.A. To Judge