

Sreekumar Vs. State of Kerala

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Court : Kerala

Decided On : Jun-27-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sreekumar

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. 4625 of 2014 ----- CRIME NO. 322/2014 OF MUHAMMA POLICE STATION, ALAPPUZHA PETITIONERS/ACCUSED NOS.1 TO 3 ----- 1. SREEKUMAR, AGED 33 YEARS, S/O.SOMAN, ETHIKANDATHIL VEEDU, WARD NO.5, MUHAMMA PANCHAYATH.

2. SUJANA PRIYALAL, AGED 38 YEARS, S/O.RAGHAVAN, THYVELIYILVELIYIL VEEDU, WARD NO.12, MUHAMMA PANCHAYATH.

3. ARUNKUMAR, AGED 23 YEARS, S/O.ASOKAN, CHANIVELI VEEDU, WARD NO.6, MUHAMMA PANCHAYATH. BY ADV. SRI.B.PRAMOD RESPONDENT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PRSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC

PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.06.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: KSS THOMAS P. JOSEPH, J.

----- Bail Appl.No. 4625 of 2014 () -----

Dated this the 27th day of June, 2014

ORDER

Petitioners are accused Nos.1 to 3 in Crime No.322 of 2014 of the Muhamma Police Station for the offences punishable under Sections 120(b), 452, 324, 326 and 307 read with Section 34 of the Indian Penal Code (for short 'the IPC'), Section 27 of the Arms Act, are in custody from 12.04.2014 and seek bail. 2.Learned Public Prosecutor has opposed the application. It is submitted that on 08.04.2014 at about 12.30 p.m. the petitioners trespassed into the shop of the de facto complainant and assaulted him and a customer. The first petitioner assaulted the customer with axe and sword stick. It is also submitted that the first petitioner is involved in crime No.74 of 2014 for the offence under the IPC and is being proceeded against under Section 107 of the Cr.P.C. The third accused is involved in another case for offences including Section 308 of the IPC, that also due to political rivalry. The final report will be filed within two weeks from this day. Bail Appl.No. 4625 of 2014 () 2 3.Learned counsel submits that the allegations are false. It is submitted that involvement of the de facto complainant was suspected in a case relating to the destruction of memorial of a CPI(M) leader and a request was made to the jurisdictional magistrate for his Narco analysis which he opposed. The application was dismissed. Alleged incident occurred on the next day. According to the learned counsel, it is the rivals in the CPI(M) who attacked the de facto complainant and others. 4.As of now allegations are against accused 1 to 3 so far as the second accused is concerned, he is not reported to be involved in any other case. I am inclined to grant relief to him. So far as accused 1 and 3 are concerned, having regard to their antecedents also, their request for bail cannot be allowed at this stage. But, I make it clear that it is open to them to move again after the final report is filed. The application is disposed of as under : I. Second accused is granted bail in Crime No.322 of 2014 of the Muhamma Bail Appl.No. 4625 of 2014 () 3 Police Station and shall be released (if not required to be detained

otherwise) on his executing bond for `20,000/- (Rupees twenty thousand only) with two sureties 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 the second accused. b. Second accused shall report to the investigating officer as and when required for interrogation. c. Second accused shall not get involved in any offence during the period of this bail. d. Second accused shall not intimidate or influence the witnesses. e. In case any of condition Nos.(b) to (d) is violated, it is open to the investigating officer to file application before the learned magistrate until committal of Bail Appl.No. 4625 of 2014 () 4 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. 2.The request of accused 1 and 3 for bail in Crime No.322 of 2014 of the Muhamma Police Station is rejected leaving it open to them to move again either after the final report is filed or after two weeks whichever is earlier. sd/- THOMAS P. JOSEPH JUDGE AMV /TRUE COPY/ P.A.TO JUDGE

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