

Sudheesh Vs. State of Kerala

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Court : Kerala

Decided On : Jun-30-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sudheesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 30TH DAY OF JUNE 2014 9TH ASHADHA, 1936 Bail Appl..No. 4640 of 2014 ----- CRIME NO. 421/2014 OF NILESHWAR POLICE STATION , KASARAGOD PETITIONER/ACCUSED: ----- SUDHEESH, AGED 23 YEARS, S/O. KUMARAN, RESIDING AT KANATHADAM, MADIKKAI VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT. BY ADVS.SRI.T.K.VIPINDAS SRI.K.V.SREE VINAYAKAN SRI.K.M.MUHAMMED HUSSAIN RESPONDENT/STATE: ----- THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING S.H.O NILESHWARAM POLICE STATION, KASARAGOD DISTRICT. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/06-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J ----- B.A.No.4640 of 2014

----- Dated this the 30th day of June, 2014

ORDER

Petitioner is accused in Crime No.421 of 2014 of the Nileshtar Police Station for the offences punishable under Sections 143, 147, 341, 353 and 332 read with 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 02.05.2014 at about 2.30 a.m., the Police party on getting information about gambling in a public place, went there. The petitioner and others assaulted them and obstructed them from discharging official duty.

3. Learned counsel has requested for bail. It is pointed out that the 11th accused in the case was granted relief as per order dated 20.06.2014 in B.A.No.4328 of 2014.

4. Having heard both sides, having regard to the alleged role of the petitioner in the alleged incidents, I am inclined to grant same relief granted to the 11th accused to the petitioner as well. Application is allowed as under: (i) Petitioner shall surrender before the officer investigating Crime No.421 of 2014 of the Nileshtar Police B.A.No.4640 of 2014 2 Station on 07.07.2014 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 petitioners on other day/days and time as may be specified by him which the petitioners 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 two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of the petitioner. (b) Petitioner shall report to the officer investigating Crime No.421 of 2014 of the Nileshtar Police Station on all 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. (c) Petitioner shall report to the investigating officer as and when required for interrogation. (d) Petitioner shall not

get involved in any offence B.A.No.4640 of 2014 3 during the period of this bail. (e) Petitioner shall not intimidate or influence the witnesses. (v) In case the petitioner violates any of condition Nos. (b) to (e), it is open to the investigating officer to move the learned magistrate 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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