

Sabu Vs. State of Kerala

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Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sabu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 3D DAY OF JULY 2014 12TH ASHADHA, 1936 Bail Appl..No. 4304 of 2014 () ----- CRIME NO. 563/2014 OF PARASSALA POLICE STATION , THIRUVANANDAPURAM PETITIONER/ACCUSED: ----- SABU, AGED 36 YEARS S/O SASI, ALLAN NIVAS, VARUTHATTUVILA NATTOORKOLLA, AMARAVILA P.O THIRUVANANTHAPURAM DISTRICT BY ADV. SRI.R.GOPAN RESPONDENT(S)/COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM 68203 2. THE SUB INSPECTOR OF POLICE, PARASSALA POLICE STATION THIRUVANANTHAPURAM DISTRICT BY PUBLIC PROSECUTOR: ADV. V S SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/07-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

Dated this the 03rd day of July, 2014

ORDER

Petitioner is accused in Crime No.563 of 2014 of the Parassala Police Station for the offences punishable under Secs.294(b), 324 and 307 of the Indian Penal Code, apprehends arrest and has filed this application.

2. The application is opposed. It is submitted that on 16.05.2014 at about 8p.m, the petitioner came driving an autorikshaw and stopped near the injured. Petitioner demanded the injured to pay charges for hiring the autorikshaw two months back. When the injured refused, the petitioner took the autorikshaw in reverse, then proceeded forward, hit the injured and sped away. Petitioner fell down and sustained serious injuries on the head. He was treated in the ICU of the Medical College Hospital and now is undergoing treatment in the KIMS hospital. The vehicle involved is not so far seized. Petitioner is also involved in Crime No.208 of 2009 for the offences punishable under Secs.447, 294(b) and 379 r/w Sec.34 of the Penal Code.

3. Learned counsel submits that the allegations are not true. At any rate, even what is stated in the FIS would not reveal B.A.No.4304 of 2014 2 intention on the part of the petitioner to cause death of the injured. According to the learned counsel, it is a mere accident which happened at a time when the injured and others attacked the petitioner and he attempted to save himself by taking the autorikshaw away. It is submitted that the other case registered against the petitioner is of the year, 2009. Sister of the injured is a women constable in the Parassala Police Station. Petitioner apprehends physical harassment in case he is taken to custody by the Parassala police.

4. The question whether the petitioner had the intention to cause death of the injured is a matter which has to be investigated by the officer concerned (I am told that the Circle Inspector, Parassala is investigating the case). He shall ensure that the petitioner is not put to any physical harassment. If at all the petitioner suffers any physical harassment, it is open to him to complain to the jurisdictional

magistrate when he is produced before the learned magistrate.

5. In the nature of the allegations made against the petitioner, I am inclined to think that his request for pre-arrest bail cannot be allowed. But I am inclined to issue directions. The application is disposed of as under: (i) Petitioner shall surrender before the Circle Inspector, Parassala who is B.A.No.4304 of 2014 3 investigating Crime No.563 of 2014 of the Parassala Police Station on 10.07.2014 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 petitioner on other day/days and time as may be specified by him which the petitioner shall comply. (iii) Petitioner shall co-operate with the investigation of the case. (iv) 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 regular bail. (v) If any request is made, learned magistrate shall pass orders as early as possible as per the law. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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