

Manoj Vs. State of Kerala

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Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Manoj

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. 4785 of 2014 ----- CRIME NO. 639/2014 OF PAZHAYANNUR POLICE STATION , TRISSUR ----- PETITIONER(S)/ACCUSED NO.1: ----- MANOJ, AGED 27 YEARS, S/O. KUMARAN, PAYAKURISSI HOUSE, PAZHAYANNUR, THALAPILLY, THRISSUR. BY ADV. SMT.P.R.REENA RESPONDENT(S)/STATE AND COMPLAINANT: ----- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM -682 031.

2. SUB INSPECTOR OF POLICE, PAZHAYANNUR POLICE STATION, THRISSUR - 680 587. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0307-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P.

JOSEPH, J.

----- Bail Appl. No.4785 of 2014
----- Dated this the 3rd day of July 2014

ORDER

Petitioner is the 1st accused in Crime No.639 of 2014 of the Pazhayannur Police station for the offences punishable under Secs.324 and 308 read with Sec.34 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 15.05.2014 at about 8.45 a.m., following a boundary dispute the petitioner, along with the 2nd accused attacked the defacto complainant. The petitioner assaulted the defacto complainant with a sickle and inflicted two incise wounds. The sickle is not recovered. The 2nd accused was granted relief by the learned Sessions Judge, Thrissur.

3. Learned counsel submitted that the allegations are not true. The petitioner is prepared to co-operate with Bail Appl. No.4785 of 2014 2 investigation of the case.

4. The petitioner is not reported to be involved in any other case. The incident arose from a property dispute. In the circumstances, I am inclined to grant relief but conditionally on seizure/recovery of the material objects and protecting interest for the defacto complainant. Application is allowed as under: I. Petitioner shall surrender before the officer investigating Crime No.639 of 2014 of the Pazhayannur Police station on 14.07.2014 at 10.00 am for interrogation. II. 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. III. Petitioner shall co-operate with the investigation of the case. IV. In case the petitioner is arrested, he shall Bail Appl. No.4785 of 2014 3 be produced before the jurisdictional magistrate the same day. V. On such production learned magistrate shall release the petitioner on bail (if not required to be detained otherwise) on his executing bond for Rs.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 deposit Rs.10,000/- (Rupees ten thousand only) in his name in a Nationalised/ Scheduled Bank/ Co-operative Society as the case may be initially for a period of two years (renewable as per order of the learned Magistrate) and produce the Fixed Deposit receipt before the learned magistrate while executing the bail bond. c) In case compensation is awarded to the Bail Appl. No.4785 of 2014 4 injured and the petitioner is made liable to pay compensation, such compensation to the extent possible could be realised from the amount in deposit. d) Petitioner 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 . e) Petitioner shall report to the investigating officer as and when required for interrogation. f) Petitioner shall not get involved any offence during the period of this bail. g) Petitioner shall not influence or intimidate the witnesses. h) In case any of condition nos.(d) to (g) is violated, it is open to the investigating officer to file application before the learned magistrate (until committal if any, and thereafter before the learned Sessions Judge, concerned) for Bail Appl. No.4785 of 2014 5 cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. VI. It is made clear that if by the time, the petitioner is produced before the learned magistrate the weapons (allegedly) used are not either seized or recovered, this order granting bail to the petitioner would cease to be effective and thereon it is open to the petitioner to request for bail before the learned magistrate. VII. If any such application is made, the learned magistrate shall dispose of the application as per the law as early as possible. THOMAS P. JOSEPH JUDGE NS

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