

Seyd Vs. State of Kerala

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Court : Kerala

Decided On : Jul-04-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Seyd

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY, THE 4TH DAY OF JULY 2014/13TH ASHADHA, 1936 BAIL APPL..NO. 4843 OF 2014()
----- CRIME NO. 727/2014 OF KOLLAM EAST POLICE STATION , KOLLAM PETITIONER(S)/ACCUSED NOS.2, 4 & 5:
----- 1. SEYD AGED 23 YEARS S/O.NOUSHAD, STS MANZIL, VADAKKEVILA MUNDAKKAL VILLAGE, KOLLAM DISTRICT.

2. AJEEB AGED 24 YEARS S/O.ASLAM, VAYALITHOPIL HOUSE, KARPOORAM CHERI VADAKKEVILA VILLAGE, KOLLAM.

3. HASHIM AGED 22 YEARS S/O.NASAR, KODIYIL PURAHIDAM, KAYYALAKKAL CHERI ERAVIPURAM VILLAGE, KOLLAM. BY ADVS.SRI.K.SIJU SMT.BINDU GEORGE RESPONDENT(S):
----- STATE OF KERALA THROUGH THE S.I. OF POLICE

KOLLAM EAST POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.07.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A. No.4843 of 2014
===== Dated this the 04th day of July,
2014

ORDER

Petitioners are accused 1, 5 and 6 in Crime No.727 of 2014 of the Kollam East Police Station for the offences punishable under Sections 143, 147, 148, 341, 324 and 326 read with Sec.149 of the Indian Penal Code, apprehend arrest and have filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that the 2nd accused had an altercation with a friend of brother of the de facto complainant and the de facto complainant intervened. On account of that enmity, on 16.04.2014 at 1.30 p.m while the de facto complainant and another were travelling in a motor cycle, they were attacked by accused 1 to 3 with brick, stick and beer bottle. Accused 1 to 6 wrongfully restrained the de facto complainant. 3 Learned counsel submitted that the allegations are not true and at any rate the assault on the head was by the 2nd accused.

4. I have gone through the CD file. The wound certificate B.A. No. 4843 of 2014 -:

2. :- shows that the de facto complainant suffered fracture of the right parietal bone. The petitioners are not reported to be involved in any other case. Hence I am inclined to grant relief but at the same time protecting the interest of the de facto complainant and subject to conditions. Application is allowed as under: (i) Petitioners shall surrender before the Officer investigating Crime No.727 of 2014 of the Kollam East Police Station on 14.07.2014 at 10.00 a.m for interrogation. (ii) If interrogation of the petitioners is not completed that day, they shall appear

before the officer investigating the case on the day/days and time as directed by him which the petitioners shall comply. (iii) In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate the same day. (iv) On such production, the petitioners shall be released (if not required to be detained otherwise) on bail on their executing bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties each for the like sum each to the B.A. No. 4843 of 2014 -:

3. :- satisfaction of the learned magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of any of the petitioners. (b) Petitioners shall deposit Rs.3,500/- (Rupees three thousand and five hundred only) each in a Nationalized/Scheduled Bank or Co-operative Society initially for a period of two years (renewable as per order of the learned magistrate) and produce the Fixed Deposit Receipts before the learned magistrate while executing the bail bonds. (c) In case the petitioners or any of them are/is made liable to pay compensation, such compensation to the extent possible can be realized from the amount in deposit. (d) Petitioners shall report to the Officer investigating the case on every alternate Saturday between 10.00 a.m and 12.00 p.m for a period of two months or until final report is filed, whichever is earlier. (e) Petitioners shall report to the officer investigating the case as and when required for interrogation at all reasonable time and place. B.A. No. 4843 of 2014 -:

4. :- (f) Petitioners shall not get involved in any offence during the period of this bail. (g) Petitioners shall not intimidate or influence the witnesses. (v) In case the petitioners violate any of conditions (d) to (g), it is open to the investigating Officer to move the learned magistrate for cancellation of the bail as held in P.K.Shaji v. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH, JUDGE. vsv

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