

Shamnad Vs. the State of Kerala

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Court : Kerala

Decided On : Jul-07-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shamnad

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY, THE 7TH DAY OF JULY 2014 16TH ASHADHA, 1936 Bail Appl..No. 4872 of 2014 ()
----- CRIME NO. 687/2014 OF SASTHAMCOTTA POLICE STATION , KOLLAM PETITIONER/1ST ACCUSED: ----- SHAMNAD AGED 24 YEARS S/O ABDUL LATHEEF, ANSIYA MANZIL ERAVICHIRA KZIHAKKUMURIYIL, SHOORANADU POST KOLLAM DISTRICT. BY ADV. SRI.K.S.ARUN KUMAR RESPONDENT/COMPLAINANT: ----- THE STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR: ADV. V S SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-07-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A. No.4872 of 2014
===== Dated this the 07th day of July,

2014

ORDER

Petitioner is the 1st accused in Crime No.687 of 2014 of the Sasthamcotta Police Station for the offences punishable under Sections 341, 323, 325, 294(b), 506(i) and 392 read with Sec.34 of the Indian Penal Code, apprehend arrest and has filed this application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 05.05.2014 at about 2.30 p.m petitioner and his brother attacked their brother in law, the de facto complainant in the hospital and took away Rs.5,000/-, ATM Card and identity card from his pocket. Those articles are not so far recovered. 3 Learned counsel submitted that the allegations are not true. It is submitted that the de facto complainant assaulted his wife (sister of the petitioner), she was admitted in the ICU in the same hospital on 02.05.2014, the de facto complainant and others came to the hospital on 05.05.2014 and created problem.

5. Having regard to the relevant circumstances of the B.A. No.4872 of 2014 -:

2. :- case I am inclined to think that custodial interrogation of the petitioner is not required so far as the ATM card and identity card are seized. Hence I am inclined to grant relief subject to conditions including deposit of compensation if found payable to the de facto complainant. Application is allowed as under: (i) Petitioner shall surrender before the the Officer investigating Crime No.687 of 2014 of the Sasthamcotta Police Station on 15.07.2014 at 10.00 a.m for interrogation. (ii) If interrogation of the petitioner is not completed that day, he shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioner 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 (if not required to be detained otherwise) on bail 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: B.A. No.4872 of 2014 -:

3. :- (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 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 Receipt before the learned magistrate while executing the bail bond. (c) In case the petitioner is made liable to pay compensation, such compensation to the extent possible can be realized from the amount in deposit. (d) Petitioner 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 and until final report is filed, whichever is earlier. (e) Petitioner shall report to the officer investigating the case as and when required for interrogation. (f) Petitioner shall not get involved in any offence during the period of this bail. (g) Petitioner shall not intimidate or influence the witnesses. B.A. No.4872 of 2014 -:

4. :- (v) In case the petitioner violates 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. (vi) It is made clear that in case by the time the petitioner is produced before the learned magistrate the identity/ATM cards are not seized/recovered, this order granting pre-arrest bail would cease to be effective. Thereon it is open to the petitioner to move application before the learned magistrate which shall be disposed of as per the law as early as possible. THOMAS P. JOSEPH, JUDGE. vsv

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