

Jayesh Vs. State of Kerala

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Court : Kerala

Decided On : Jul-10-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Jayesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 10TH DAY OF JULY 2014 19TH ASHADHA, 1936 Bail Appl..No. 4865 of 2014 ----- CRIME NO. 1868/2013 OF ALAPPUZHA NORTH POLICE STATION , ALAPPUZHA PETITIONER/ACCUSED NO.3: ----- JAYESH, AGED 20 YEARS, S/O.JAYAKUMAR, PUTHENPARAMBU VEEDU, ARYAD PANCHAYATH, WARD NO.4, ALAPPUZHA. BY ADV. SRI.B.PRAMOD RESPONDENT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 1007-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Kss THOMAS P. JOSEPH, J., ----- B.A. No.4865 OF 2014----- Dated this the 10th day of July, 2014

ORDER

Petitioner is the 3rd accused in Crime No. 1868 of 2013 of the Alappuzha North Police Station for the offences punishable under Sections 143,147,148,323,324 and Section 326 read with Section 149 of IPC, apprehends arrest and has filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 21.12.2013 at the relevant time, the petitioner and others attacked the defacto complainant with iron pipe. The petitioner also used iron pipe. Weapons are not recovered.

3. Learned counsel submits that the allegations are not true. It is submitted that in the First Information Statement, reference is made to one 'Mahesh' who was arrayed as the 3rd accused. But now, 'Mahesh' is deleted and the petitioner (Jayesh) is substituted. According to the learned counsel, petitioner is wrongly implicated as an accused.

4. Learned Public Prosecutor submits that the statement of B.A.. No. 4865/2014 2 one of the accused was recorded by the investigating officer. From that statement it is revealed that the person who is involved in the incident is Jayesh (petitioner herein).

5. I have gone through CD file. I am inclined to think that the identification of the petitioner may be required. In that situation, request for pre-arrest bail cannot be allowed. But, I also find that the offences attributed to the petitioner are of the nature that the jurisdictional magistrate can consider the request for bail. The application is disposed of as under:

1. Petitioner shall surrender before the officer investigating Crime No. 1868 of 2013 of the Alappuzha North Police Station on 17.07.2014 at 10 .00 am for interrogation.

2. In case interrogation is not completed that day, the petitioner shall appear before the officer investigating the case any other day/days as directed by the investigating officer.

3. The petitioner shall co-operate with the investigation.
4. It is open for the investigating officer to get identification of the petitioner, if required, through the witnesses concerned, if any.
5. In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day where it is open to the B.A.. No. 4865/2014 3 petitioner to request of regular bail with intimation given to the Assistant Public Prosecutor concerned at least two working days in advance.
6. If custody of the petitioner is required for any purpose, the investigating officer can move application for the purpose 7. Learned magistrate shall consider the application(s) having regard to all relevant circumstances including whether custody of the petitioner is required for any purpose and pass appropriate orders as early as possible. Sd/- THOMAS P. JOSEPH JUDGE sd // TRUE COPY // P.A. TO JUDGE

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