

Niranjan Babu Vs. State of Kerala

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Court : Kerala

Decided On : Jul-11-2014

Judge : Honourable Mr. Justice K.Abraham Mathew

Appellant : Niranjan Babu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW FRIDAY, THE 11TH DAY OF JULY 2014 20TH ASHADHA, 1936 Bail Appl..No. 5072 of 2014 ----- CRIME NO. 533/2014 OF MANNANTHALA POLICE STATION , THIRUVANANTHAPURAM DISTRICT ----- PETITIONER / 4TH ACCUSED : ----- NIRANJAN BABU, AGED 29 YEARS, S/O.N.R.JAGAN BABU, NAMBOOTHIRIMADOM, T.C.6/276, NRA NO.12, NETHAJI ROAD, VATTIYOORKAVU P.O., THIRUVANANTHAPURAM - 695 013. BY ADV. SRI.AYYAPPAN SANKAR RESPONDENTS : ----- 1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. CIRCLE INSPECTOR OF POLICE, PEROORKADA CIRCLE, PEROORKADA, THIRUVANANTHAPURAM - 695 596.

3. SUB INSPECTOR OF POLICE, MANNANTHALA POLICE STATION, MANNANTHALA, THIRUVANANTHAPURAM - 695 286. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. K. ABRAHAM MATHEW, J.

----- B.A. No.5072 of 2014 -----

-- Dated this the 11th day of July, 2014

ORDER

Petition filed under Section 438 Cr.P.C. The petitioner is the fourth accused in crime No.533/2014 of Mannanthala Police Station, which has been registered for the offences under Sections 302, 306, 307, 309 and 34 IPC. The 7th accused is the wife of the first accused. There was illicit relationship between her and the second accused in this case, who is her colleague. Accused Nos. 3 and 5 are also their colleagues.

2. On 25.05.2014 the first accused administered poison to his mother and three minor children. Thereafter, he consumed poison with intent to commit suicide. Two of the children died. The mother and one child survived. It is alleged that the petitioner and the other accused are responsible for the commission of the offences by the first accused.

3. The learned counsel for the petitioner submits B.A. No.5072 of 2014 -2- that there is no evidence to show that the petitioner has committed any offence.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The suicide note of the first accused indicates that the illicit relationship between his wife and the second accused caused disappointment to him and that was the main reason for his committing the offences. As of now, there is no strong evidence against the petitioner. So accused Nos. 3, 5 and 6 have already been granted anticipatory bail. The petitioner also is entitled to get an order under Section 438 Cr.P.C. In the result, this application is allowed. 1) The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five

thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case. 2) He shall appear before the Investigating Officer for B.A. No.5072 of 2014 -3- interrogation if he is so required by him in writing. 3) He shall not destroy or tamper with evidence. 4) This order is not applicable if the petitioner chooses to surrender before the Magistrate concerned and in such case the learned Magistrate may take appropriate action in accordance with the law. Sd/- K. ABRAHAM MATHEW JUDGE //True copy// P.A. TO JUDGE shg/

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