

Deepak Vs. State of Kerala

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Court : Kerala

Decided On : Jul-15-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Deepak

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 15TH DAY OF JULY 2014 24TH ASHADHA, 1936 Bail Appl..No. 5031 of 2014 ----- CRIME NO. 185/2014 OF GANDHI NAGAR POLICE STATION , KOTTAYAM ... PETITIONERS/ACCUSED NO.1&2: ----- 1. DEEPAK, AGED 22 YEARS, S/O. RADHAKRISHNAN, UMBUKATTU HOUSE, KUMARANALLOOR, KOTTAYAM DISTRICT.

2. VISHAH @ VISHNU, AGED 22 YEARS, S/O. VISWAMBHARAN, KIZHAKKE MALAYIL, KUMARANALLOOR, KOTTAYAM DISTRICT. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRA KRISHNAN RESPONDENTS/STATE: ----- 1. STATE OF KERALA, REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682 031. (CRIME NO.185/2014 OF GANDHI NAGAR POLICE STATION, KOTTAYAM DISTRICT) 2. STATION HOUSE OFFICER, GANDHI NAGAR POLICE STATION,

KOTTAYAM DISTRICT-686 008 (CIRME NO.185/2014 OF GANDHI NAGAR POLICE STATION, KOTTAYAM DISTRICT) R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15.07.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Kss THOMAS P. JOSEPH, J ----- B.A.No.5031 of 2014
----- Dated this the 15th day of July, 2014

ORDER

Petitioners are accused 1 and 2 in Crime No.185 of 2014 of the Gandhi Nagar Police Station for the offences punishable under Sections 323, 324, 308, 394 r/w Section 34 of the Indian Penal Code, apprehend arrest and have filed the application.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 16.02.2014 at about 07.30 p.m., the petitioners attacked the de facto complainant with deadly weapons. Weapons are recovered. Final report is filed in the JFMC, Ettumanoor on 30.06.2014. It is pointed out that B.A.No.1699 of 2014 filed by the petitioners was rejected by this Court.

3. Learned counsel submitted that there is a change of circumstances in that after rejection of B.A.No.1699 of 2014, final report is filed.

4. Since the final report is already filed and no application for further investigation is pending, I am inclined to think that custodial interrogation of the petitioners is not required. Hence I am inclined to grant relief to the petitioners B.A.No.5031 of 2014 but subject to conditions. Application is allowed as under: (i) Petitioners are granted bail in Crime No.185 of 2014 of the Gandhi Nagar Police Station. (ii) Petitioners shall surrender before the learned JFM, Ettumanoor on or before 23.07.2014 at 10.00 a.m. (iii) On such surrender, the petitioners shall be released (if not required to be detained otherwise) on their executing bond for 25,000/- (Rupees twenty five thousand only) each with two sureties each 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 any of the petitioners. (b) Petitioners shall report to the officer investigating the case if and when required for interrogation. (c) Petitioners shall not get involved in any offence

during the period of this bail. (d) Petitioners shall not intimidate or influence the witnesses. (iv) It is made clear that in case any of condition Nos. (b) to (d) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving B.A.No.5031 of 2014 3 application before the learned magistrate (until committal of the case if any, and thereafter, before the learned Principal Sessions Judge concerned) as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). (v) It is made clear that in case the petitioners do not surrender before the learned JFM as aforesaid, this order granting bail would cease to be effective on the expiry of the time granted hereby. Sd/- THOMAS P. JOSEPH, JUDGE. AS /True Copy/ P.A. to Judge

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