

Danavan Vs. State of Kerala

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Court : Kerala

Decided On : Jul-16-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Danavan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 16TH DAY OF JULY 2014 25TH ASHADHA, 1936 Bail Appl..No. 5165 of 2014 ----- CRIME NO. 570/2014 OF MANANTHAVADY POLICE STATION , WAYANAD ----- PETITIONER(S)/ACCUSED NOS 1 & 2: ----- 1. DANA VAN, AGED 59 YEARS, W/O.RAJAPPAN, PARAMBATHERIL HOUSE, NEDUVANNOOR, CHOWWERA P.O., ALUVA, ERNAKULAM DT. PIN - 683 571.

2. SUJA, AGED 57 YEARS, W/O.DANA VAN, PARAMBATHERIL HOUSE, NEDUVANNOOR, CHOWWERA P.O., ALUVA, ERNAKULAM DT. PIN - 683 571. BY ADVS. SRI.C.P.UDAYABHANU RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY S.I OF POLICE, MANANATHAVADY POLICE STATION, (CRIME NO 570/2014) REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.LALIZA THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON1607-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ THOMAS P. JOSEPH, J.

----- Bail Appl. No.5165 of 2014
----- Dated this the 16th day of July 2014

ORDER

Petitioners are accused 1 and 2 in Crime No.570 of 2014 of the Mananthavady Police station for the offence punishable under Sec.420 read with Sec.34 of the Indian Penal Code, apprehend arrest and have filed the application.

2. I have heard the learned counsel for the petitioners, learned Public Prosecutor and the learned counsel appearing for the defacto complainant.

3. Learned Public Prosecutor and the learned counsel for the defacto complainant have opposed the application vehemently.

4. Learned counsel for the petitioners submitted that the 2nd petitioner/2nd accused is a chronic cardiac patient and is advised angioplasty immediately. Reliance is placed on Annexure-1, discharge summary issued from the Bail Appl. No.5165 of 2014 2 Lourdes hospital on 21.06.2014, where illness of the 2nd petitioner is diagnosed and reported.

5. Facts and circumstances leading to registration of the case is discussed by me in the order dated 14.07.2014 in B.A. No.4974 of 2014. It is not necessary to restate all those things in this order.

6. Of the sum of Rs.25 lakhs involved in the case, it is pointed out that Rs.11 lakhs is freezed by the order of the Police.

7. So far as the 1st petitioner is concerned, it is reported that he is involved in several other cases also. Having regard to the nature of allegations made against him as well, his request for pre arrest bail cannot be allowed.

8. So far as the 2nd petitioner is concerned, I am inclined to exercise the discretionary jurisdiction in her favour having regard to the physical condition in which she is placed and the treatment she is required to undergo. Application is disposed of as under. Bail Appl. No.5165 of 2014 3 I. Request of the 1st petitioner/1st accused in Crime No.570 of 2014 of the Mananthavady Police station for pre arrest bail is rejected. II. It is directed that in case the 2nd petitioner/2nd accused is arrested in Crime No.570 of 2014 of the Mananthavady Police station, she shall be released by the arresting officer (if not required to be detained otherwise) on her executing bond for Rs.20,000/- (Rupees Twenty thousand only) with two sureties for the like sum each before the arresting officer and subject to the following conditions. (a) One of the sureties shall be a close relative of the 2nd petitioner/2nd accused. (b) The 2nd petitioner/2nd accused shall report to the investigating officer as and when required for interrogation at all reasonable Bail Appl. No.5165 of 2014 4 time and place. (c) The 2nd petitioner/2nd accused shall co- operate with investigation of the case. (d) The 2nd petitioner/2nd accused shall not get involved any offence during the period of this bail. (e) The 2nd petitioner/2nd accused shall not intimidate or influence the witnesses. (f) In case any of condition nos.(b) to (e) is violated, it is open to the investigating officer to file application before the learned magistrate for cancellation of the bail granted hereby, as held in P.K. Shaji V. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P. JOSEPH JUDGE / True Copy / NS P.A. To Judge

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