

Renjith Vs. State of Kerala

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Court : Kerala

Decided On : Aug-12-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Renjith

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN TUESDAY, THE 12TH DAY OF AUGUST 2014 21ST SRAVANA, 1936 Bail Appl.No. 5912 of 2014 ()
----- CRIME NO. 1388/2014 OF NJARAKKAL POLICE STATION, ERNAKULAM DISTRICT ----- PETITIONER/2ND AND 3RD ACCUSED : ----- 1. RENJITH, AGED 29 YEARS S/O. RAVI, ANCHUTHYKAL HOUSE, ANYIL WEST EDAVANAKKAD, ERNAKULAM DISTRICT.

2. RAVI, AGED 59 YEARS S/O. KARUMBAL, ANCHUTHYKAL HOUSE, ANYIL WEST EDAVANAKKAD, ERNAKULAM DISTRICT BY ADVS.SRI.P.K.VARGHESE SRI.K.S.ARUN KUMAR SMT.NIMA JACOB RESPONDENT/COMPLAINANT : ----- THE STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682 031. BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION

ON1208-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
Mn V.K.MOHANAN, J ===== B.A No. 5912 of 2014
===== Dated this the 12th day of August, 2014

ORDER

Petitioners who are accused numbers 2 and 3 in Crime No. 1388/2014 of Njarakkal Police Station preferred the above application for anticipatory bail under Section 438 of the Code of Criminal Procedure since they are apprehending arrest.

2. The prosecution allegation is that on 14.07.2014 at about 6 p.m the de facto complainant was riding a autorikshaw through Kadappuram road, at Edavanakkal village and at that time, A1 riding motorcycle came in front of the autorikshaw driven by the de facto complainant and thereby obstructed the de facto complainant from proceeding further, alleging that the de facto complainant turned the autorikshaw without putting the indicator. A1 using a helmet, inflicted blows on the face and head of the de facto complainant and it caused pain to him. With the common B.A No.5912/2014 2 intention of attacking the de facto complainant and others, on 14.07.2014 at about 6:15 p.m, A1 to A3 trespassed into the courtyard of the house of the de facto complainant and A1 to A3 attacked the de facto complainant and other inmates and thus, the accused, 3 in numbers have committed the offences punishable under Sections 341, 323, 324, 506(i), 447 and 354 r/w 34 of the Indian Penal Code.

3. Heard the learned counsel for the petitioners as well as the learned Public Prosecutor.

4. The learned counsel for the petitioners submitted that the entire allegations in the above crime was registered as a counter blast against the crime in which the de facto complainant is an accused. The learned counsel for the petitioner submitted that there is no whisper in the First Information Statement given by the de facto complainant that any of the accused has put his hands on the breast of the wife of the de facto complainant and thereby caused to outrage her modesty. B.A No.5912/2014 3 5. On the other hand, the learned Public Prosecutor, on instructions, submitted that connected with the incident two crimes are pending in

the very same Police Station and according to the learned Public Prosecutor the 1st accused put his hand on the breast of the wife of de facto complainant and therefore, Section 354 is attracted.

6. I have carefully considered the submissions made by the learned counsel for the petitioners as well as the learned Public Prosecutor.

7. The second petitioner herein, who is aged 59 is the father of the first petitioner, and they are respectively the third and second accused. Having regard to the facts and circumstances involved in the case, according to me the custodial interrogation of the petitioners is not necessary and therefore, this petition can be allowed subject to conditions. In the result, this petition is allowed and, accordingly, there will be a direction that in the event of the arrest of the petitioners in B.A No.5912/2014 & Crime No.1388/2014 of Njarakkal Police Station, they shall be released on bail on each of them executing a bond for `35,000/- (Rupees Thirty Five Thousand only) with two solvent sureties, each for like amount, to the satisfaction of the Investigating Officer in the above crime and on the following further conditions: i) First petitioner/second accused shall report before the Investigating Officer in the above crime between 10 a.m and 11 a.m once in a fortnight on Saturday. ii) Petitioners shall not tamper with the evidence and try to influence any witnesses. iii) Petitioners shall not interfere with the investigation. Sd/- V.K.MOHANAN, JUDGE vdv //True Copy// P.Ato Judge

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