

Narshal Vs. State of Kerala

Narshal Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1164783

Court : Kerala

Decided On : Sep-20-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Narshal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN SATURDAY, THE 20TH DAY OF SEPTEMBER 2014 29TH BHADRA, 1936 Bail Appl.No. 6732 of 2014 ()
----- CRIME NO. 762/2014 OF NARAKKAL POLICE STATION, ERNAKULAM ----- PETITIONER/2ND ACCUSED :
----- NARSHAL, AGED 27 YEARS, S/O.NANDANAM, VATTATHARA HOUSE, 10, NEDUNGAD, NAYARAMBALAM, ERNAKULAM DISTRICT 682509 BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL) SRI.C.Y.VINOD KUMAR RESPONDENT/COMPLAINANT : -----
STATE OF KERALA (REP.BY THE SUB INSPECTOR OF POLICE, NARAKKAL POLICE STATION- CR.NO.762/2014 OF NARAKKAL POLICE STATION) REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTORS MT. R. REMA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-09-2014, ALONG WITH BA. 6777/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: bp V.K.MOHANAN, J ===== B.A

Nos.6732 of 2014 & 6777 of 2014 ===== Dated this
the 20th day of September, 2014

ORDER

Though the above bail applications are filed by different persons, as they are accused in the very same crime, the bail applications are heard together and being disposed by this common order. B.A No.6732/2014 is filed by the second accused in Crime No. 762/2014 of Njarakkal Police Station whereas B.A No.6777/2014 is filed by the first accused in the very same crime.

2. The prosecution case is that with the common intention of assaulting the de facto complainant and others, on 20.04.2014 at about 4:30 p.m the petitioners trespassed into the house of the de facto complainant. A1 assaulted the de facto complainant and he torn the nighty worn by the de facto complainant, uttered obscene words to her and caused injury on the left portion of her stomach by biting and thereby caused to outrage her modesty. When the husband of the de facto complainant came there, the petitioners attacked him. The petitioners B.A No.6732&6777 of 2014 2 attacked the son of the de facto complainant also. The petitioners destroyed the glasses of the windows and almirah and caused loss to the de facto complainant and thus, according to the prosecution, the petitioners/accused have committed the offences punishable under Sections 294(b), 323, 324, 427, 452, 354 and 34 of Indian Penal Code.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. The learned counsel for the petitioners vehemently submitted that the de facto complainant and her son involved in another crime ie, Crime No.763/2014 and the present crime is registered only with a view to set on defence of the above referred crime case.

5. Having regard to the facts and circumstances involved in the case and the nature of the allegation against the petitioners especially when the prosecution has no case that the petitioners have used any weapon in the commission of the above offence, according to me, the custodial interrogation of the petitioner may not be necessary. In this juncture, it is also relevant to note that as rightly pointed

out by the learned counsel for B.A No.6732&6777 of 2014 3 the petitioners a counter case is pending against the de facto complainant and her son and relatives. It is also relevant to note that this Court vide Order dated 30.07.2014 in B.A No.5332/2014 granted anticipatory bail to the first accused in the same crime. So, according to me, it is only just and proper to allow these petitions especially when the petitioners/accused in the present crime and the accused in the counter case are neighbours. In the result, these petitions are allowed and accordingly, there will be a direction that in the event of the arrest of the petitioners in Crime No.762/2014 of Njarakkal Police Station, the shall be released on bail on each of them executing separate 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 other conditions: i) Petitioners shall report before the Investigating Officer in the above crime at 11 a.m on Saturdays once in every fortnight. ii) Petitioners shall not involve in any criminal offence similar in nature. B.A No.6732&6777 of 2014 4 iii) Petitioners shall not intimidate the witnesses or interfere with the investigation and iv) if the petitioners violates any of the conditions, the bail granted to them is liable to be cancelled. Sd/- V.K.MOHANAN, JUDGE vdv //True Copy// P.A to judge

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com