

Abdul Rahiman.E @ Antha Vs. the State of Kerala

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Court : Kerala

Decided On : Oct-08-2014

Judge : Honourable Mr. Justice K.Ramakrishnan

Appellant : Abdul Rahiman.E @ Antha

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN WEDNESDAY, THE 8TH DAY OF OCTOBER 2014 16TH ASWINA, 1936 Bail Appl..No. 6590 of 2014 ()
----- CRIME NO. 891/2014 OF HOSDURG POLICE STATION ,KASARAGOD DISTRICT ----- PETITIONER/ACCUSED: ----- ABDUL RAHIMAN.E @ ANTHA, S/O.IBRAHIM KUTTI, AGED 37 YEARS, RESIDING AT PALLIVALAPPIL VEEDU, T.B.ROAD, HOSDURG VILLAGE, KASARAGOD DISTRICT. BY ADV. SRI.T.MADHU
RESPONDENT/STATE: ----- THE STATE OF KERALA, THROUGH THE STATION HOUSE OFFICER, HOSDURG POLICE STATION, KASARAGOD DISTRICT, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM- 682 031. BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-10-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts K. RAMAKRISHNAN, J.

----- Bail Application No.6590 of
2014 ----- Dated this the 8th day of
October, 2014

ORDER

This is an application filed by the sole accused in Crime No.891/2014 of Hosdurg police station, Kasaragod District, for regular bail under Section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nut shell was that, on 15.08.2014 at 7.30. p.m., while the defacto- complainant was engaged in conversation with his friend in front of the Hotel 'Bekal International' at Puthiyakotta, the accused on account of his previous enmity with him, attempted to commit murder of the defacto-complainant, hit him with a glass piece on his belly below his chest and caused grievous hurt and thereby he had committed the offence punishable under Section 307 of the Indian Penal Code.

3. The counsel for the petitioner submitted that B.A.No. 6590/2014 2 the petitioner has not committed any offence and he is innocent of the same and he is falsely implicated in this case. In fact he had been attacked by the defacto- complainant and a counter case has been registered in respect of the same. He was arrested on 18.08.2014 and he is in jail from that day onwards. Investigation is almost over. The custody of the petitioner is not required any more. So he prayed for allowing the application.

4. The application was opposed by the Public Prosecutor on the ground that, investigation is still in progress.

5. Heard both sides and perused the case diary files.

6. It is seen from the case diary file that, the above crime was registered on the basis of the statement given by the defacto-complainant/injured against the petitioner, alleging the above said offences. It is also seen from the file that the petitioner was arrested on 18.08.2014 and the weapons said to have been used for the commission B.A.No. 6590/2014 3 of the offence has already been

recovered. It is also seen from the case diary files that, Crime No. 892/2014 of the same police station was registered against the defacto- complainant on the basis of the statement given by the present petitioner, alleging commission of the offences under Section 341, 324 and 323 of the Indian Penal Code in respect of the same incident. The custody of the petitioner is not required any more in connection with the investigation, as the investigation has reached almost completion. So considering the fact that, case and counter case have been registered in respect of the same incident and also considering the period of pre-trial detention of the petitioner, this court feels that, bail can be granted to the petitioner with some stringent conditions. So, the bail application is allowed with following conditions: i. The petitioner shall be released on bail on executing a bond for 50,000/- (Rupees Fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the B.A.No. 6590/2014 4 Judicial First Class Magistrate Court-I, Hosdurg. ii. The petitioner shall appear before the investigating officer on the last Saturday of every month between 9.00 a.m and 10.00 a.m for a period of three months, till the final report is filed. iii. The petitioner shall appear before the investigating officer for the purpose of interrogation in connection with the above crime, as and when required in writing to do so, till the final report is filed. iv. The petitioner shall not intimidate or influence the witnesses. v. The petitioner shall not involve in any other crime of similar nature during bail period. vi. The petitioner shall not leave State of Kerala, without getting prior permission either from the Judicial First Class Magistrate Court-I, Hosdurg, or from the court to which the case B.A.No. 6590/2014 5 will be committed for trial, till the disposal of the case. vii. The petitioner shall surrender his passport if any before the Judicial First Class Magistrate Court-I, Hosdurg, within one week from the date of his release and if he is not having any passport, file an affidavit to that effect before that court within that time. With the above conditions the bail applicaiton is allowed. Sd/- K. Ramakrishnan, Judge // True Copy // P.A. to Judge ss