

Suresh Vs. State of Kerala

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Court : Kerala

Decided On : Oct-21-2014

Judge : Honourable Mr. Justice B.Kemal Pasha

Appellant : Suresh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE B.KEMAL PASHA TUESDAY, THE 21ST DAY OF OCTOBER 2014 29TH ASWINA, 1936 Bail Appl..No.7370 of 2014 ----- CMP NO.6764/2014 of JUDICIAL FIRST CLASS MAGISTRATE-I, THODUPUZHA. CRIME NO.1553/2014 OF THODUPUZHA POLICE STATION, IDUKKI PETITIONER/ACCUSED: ----- SURESH AGED 42 YEARS S/O.NARAYANAN, MALIYECKAL HOUSE, KOLADI BHAGAM KOLADI KARA, MANAKADU VILLAGE. BY ADV. SMT.J.SHEEBA MARIAM RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA THROUGH THE SUB INSPECTOR OF POLICE, POLICE STATION REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED(DGP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-10-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: pk B. KEMAL PASHA, J.

2014

ORDER

~ ~ ~ ~ ~ Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.1553/2014 of the Thodupuzha Police Station registered for the offence punishable under Section 302 IPC.

3. The allegation against the petitioner is that on 27.08.2014 at 7 p.m. he stabbed to death his own younger brother. The petitioner was arrested on 28.08.2014 and thereafter he has been in custody.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned Public Prosecutor has opposed the petition. It seems that the investigation of this case is practically over and no criminal antecedents have been reported against the petitioner. The petitioner has been in BA.7370/2014 :

2. : custody for the period from 28.08.2014 onwards. It is a fact that the case is relating to the brutal murder of the deceased and several stab injuries were inflicted by the petitioner on the deceased. All murders are brutal. In the absence of any criminal antecedents on the part of the petitioner and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I do not think that the continued detention of the petitioner in custody is required for the continued investigation of this case. Matters being so, I am of the view that the petitioner can be enlarged on bail on conditions.

6. The learned Public Prosecutor has pointed out that the wife of the petitioner had left him earlier and he was also residing at the family house along with the deceased and the wife of the deceased. Still, the wife of the deceased is residing at the family house with her children and the mother of the deceased. There is an apprehension that in case the petitioner is permitted to come out, he may attack BA.7370/2014 :

3. : the wife of the deceased and the mother also.

7. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for `1,00,000/- (Rupees one lakh only) with two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-
(i) The petitioner shall not enter the limits of Thodupuzha Police Station till the disposal of the case except for observing condition No.(iii) below or for appearing before Courts. (ii) The petitioner shall not visit the house of the deceased for any purpose till the disposal of the case. (iii) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays, commencing from 28.10.2014 for a period of three months or BA.7370/2014 :

4. : till the filing of the final report in this case, whichever is earlier. (iv) The petitioner shall not tamper with the evidence or influence witnesses. (v) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer. (vi) The petitioner shall not involve in any offence while on bail. It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail. Sd/- (B.KEMAL PASHA, JUDGE) aks/21/10 // True Copy // PA to Judge

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