

Pradeep Vs. State of Kerala

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Court : Kerala

Decided On : Oct-24-2014

Judge : Honourable Mr. Justice B.Kemal Pasha

Appellant : Pradeep

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE B.KEMAL PASHA FRIDAY, THE 24TH DAY OF OCTOBER 2014 2ND KARTHIKA, 1936 Bail Appl..No. 7457 of 2014 ()
----- CRIME NO. 1668/2014 OF KOTTIYAM POLICE STATION, KOLLAM DISTRICT ----- PETITIONER(S)/ACCUSED :
----- 1. PRADEEP, S/O. RAGHAVAN, AGED 39 YEARS, MOHANA VILASOM, KANNANALLOOR CHERRI, THRIKOVILVATTOM VILLAGE.

2. ANIL KUMAR, S/O. APPUKUTTAN ACHARY, AGED 40 YEARS, VILAYIL VEEDU, KANNANALLOOR CHERRI, THRIKOVILVATTOM VILLAGE.

3. S.BINU, S/O. RAJAMANI, AGED 32 YEARS, VARUVADAKKATHIL, KANNANALLOOR CHERRI, THRIKOVILVATTOM VILLAGE. BY ADVS.SRI.PRATHEESH.P SMT.BINDU GEORGE RESPONDENT :
----- STATE OF KERALA, THROUGH THE SUB INSPECTOR

OF POLICE, KOTTIYAM POLICE STATION, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24.10.2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts B. KEMAL PASHA, J.

..... B.A. No.7457 of 2014
..... Dated this the 24th day of October,
2014

ORDER

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

2. Petitioners are accused Nos.1, 2 and 3 respectively in Crime No.1668/2014 of Kottiyam Police Station registered for the offences punishable under Sections 143, 147, 148, 452, 324, 323, 294(b), 354, 506(ii), 427 and 308 read with Section 149 IPC and Section 27 of the Arms Act.

3. The allegation against the petitioners and the other accused is that on 02.09.2014 at 8.45 p.m. they formed themselves into an unlawful assembly armed with deadly weapons like iron rod, stick, etc. and committed house trespass into the house of the de facto complainant, criminally intimidated the de facto complainant, assaulted and abused the inmates and also outraged the modesty of the mother of the de facto complainant. They have committed mischief by smashing the window glasses of the house, thereby causing an unlawful loss BA.7457/2014 :

2. : of 30,400/-. The petitioners were arrested on 16.09.2014 and thereafter they have been in custody.

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

5. The investigating officer has filed a report showing the criminal antecedents on the part of the petitioners. It seems that A1 and A3 are involved in one crime each earlier. At the same time, the 2nd petitioner is involved in three crimes including

one crime relating to an offence under Section 365 IPC. Considering the series of serious criminal antecedents on the part of the 2nd petitioner, I am of the view that he is not entitled to be enlarged on bail. At the same time, having regard to the period undergone by petitioners 1 and 3 in custody, the present stage of investigation, and the facts and circumstances of the case, I am of the view that petitioners 1 and 3 can be enlarged on bail on conditions. It has to be taken note of the fact that an unlawful loss to the tune of 30,400/- has been caused to the de facto complainant, and a provision has to be made for making good the loss. BA.7457/2014 :

3. :

6. In the result, this Bail Application is allowed in part and petitioners 1 and 3 shall be enlarged on bail on each of them executing a bond for 50,000/- (Rupees fifty thousand 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) Petitioners 1 and 3 shall deposit an amount of 15,000/- each, before the concerned Judicial First Class Magistrate's Court within a week from today. (ii) Petitioners 1 and 3 shall report before the Investigating Officer in between 9 am and 11 am on all Fridays and Mondays, commencing from 31.10.2014 for a period of three months or till the filing of the final report in this case, whichever is earlier. (iii) Petitioners 1 and 3 shall not tamper with the evidence or influence witnesses. (iv) Petitioners 1 and 3 shall make themselves available for interrogation as and when BA.7457/2014 :

4. : required by the Investigating Officer. (v) Petitioners 1 and 3 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. As far as the 2nd petitioner is concerned, the bail application is dismissed. Sd/- (B.KEMAL PASHA, JUDGE)
aks/24/10 // True Copy // PA to Judge

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