

Ram Mohan vs State of Kerala

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Court : Kerala

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./3055/2023

Appellant : Ram Mohan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 CRIME NO.365/2023 OF Parippally Police Station, Kollam PETITIONERS/ACCUSED NO. 1 AND 2: 1 RAM MOHAN MOHANAN PILLAI , LATHA BHAVAN , SREEERAMAPURAN, KALLUVATHUKKAL ,KOLLAM ,, PIN - 691574 2 NITHIN S/O RAJENDRAN PILLAI ,NITHIN BHAVAN SREEERAMAPURAN ,KALLUVATHUKKAL ,KOLLAM, PIN - 691574 BY ADV M.R.SASITH RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 BY ADV PUBLIC PROSECUTOR PP- SMT. NEEMA T.V. THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- B.A.No. 3055 of 2023
----- Dated this the 30th day of June, 2023

ORDER

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioners are accused Nos. 1 and 2 in Crime No.365 of 2023

of Parippally Police Station, Kollam District, alleging offences punishable under Sections 141, 143, 148, 294(b), 323, 324, 325, 341, 427 and 308 r/w Section 149 of the Indian Penal Code, 1860.

3. According to the prosecution, on 20-03-2023 at about 8. pm,

the accused assaulted the defacto complainant, and the 1 st accused assaulted him with a wooden stick while the remaining accused fisted and kicked the defacto complainant and thereby committed the offences alleged.

4. Sri.Sasith.M.R., the learned counsel for the petitioners

contended that the prosecution allegations are false and that the incident as alleged had not occurred. It was further submitted that petitioners are willing to abide by any conditions that may be imposed and considering the nature of overt act alleged against them, custodial interrogation is not essential.

5. Smt.Neema T.V., the learned Public Prosecutor opposed the

application and submitted that the allegations are serious and that custodial interrogation is essential. It was also pointed out that there are criminal antecedents against both the petitioners with the 1 st petitioner involved in Crime

No.173/2019 and Crime No.1339/2012 while the 2nd petitioner is involved in Crime No. 173/2019 as well as Crime No.682/2023.

6. I have considered the rival contentions.

7. Petitioners are alleged to have assaulted the defacto

complainant on his head resulting in three stitches. The 1 st accused is alleged to have assaulted the defacto complainant with a wooden stick while the other accused assaulted the defacto complainant on various parts of the body. Even though the nature of allegation against the petitioners is serious, I am of the view that limited custody would suffice the investigation.

Accordingly, this application is allowed on the following conditions:

(a) Petitioners shall appear before the Investigating Officer on 07-07-2023 and shall subject themselves to interrogation.

b) If after interrogation, the Investigating Officer proceeds to arrest the petitioners, then, they shall be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum before the Investigating Officer.

(c) Petitioners shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(d) Petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence.

(e) Petitioners shall not commit any similar offences while they are on bail.

(f) Petitioners shall not leave India without the permission of the Court having jurisdiction. In case of violation of any of the above conditions, the

jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. BECHU KURIAN

THOMAS JUDGE AJM/30/6/23

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