

Sudeesh vs State of Kerala

Sudeesh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1356589

Court : Kerala

Decided On : May-31-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./3164/2023

Appellant : Sudeesh

Respondent : State of Kerala

Judgement :

B.A.No.3164/23 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
WEDNESDAY, THE 31ST DAY OF MAY 2023 / 10TH JYAISHTA, 1945
BAIL APPL. NO. 3164 OF 2023 AGAINST THE
ORDER/JUDGMENTCRMC 1210/2023 OF DISTRICT COURT &
SESSIONS COURT, PALAKKAD PETITIONERS/ACCUSED NOS.1
AND 2: 1 SUDEESH, AGED 45 YEARS, S/O.RAMCHANDRAN,
MALAYAMPOTTA, THIRUTHUPARAMBIL HOUSE, THOLANUR,
KOTTAYI, PALAKKAD DISTRICT, PIN - 678 572. 2 RAMACHANDRAN,
AGED 74 YEARS, S/O.KRISHNAN, MALAYAMPOTTA,
THIRUTHUPARAMBIL HOUSE, THOLANUR, KOTTAYI, PALAKKAD,

PIN - 678 572.

BY ADV.SAJI VARGHESE KAKKATTUMATTATHIL
RESPONDENT/COMPLAINANT: 1 STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682 031. 2 SUB
INSPECTOR OF POLICE, KOTTAYI POLICE STATION, KOTTAYI, PALAKKAD,
PIN - 678 572. SRI.C.S.HRITHWIK -SR.PUBLIC PROSECUTOR THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 31.05.2023, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: B.A.No.3164/23 2

ORDER

This is an application filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. The petitioners are the accused Nos.1 and 2, in Crime No.159 of 2023 of Kottayi Police Station. The offences alleged against the petitioners are under Sections 341, 294(b), 353, 506(ii) r/w. 34 IPC.

3. The prosecution case is as follows:

The de facto complainant was appointed as Advocate Commissioner by the Munisff Court, Alathur, in O.S.No.63 of 2023, wherein the petitioners were defendants. On the basis of the said appointment, the de facto complainant inspected the property included in the schedule of the plaint, and thereupon the de facto complainant was abused by the petitioners herein and thereby obstructed the discharge of her duty. A complaint was submitted in such circumstances by the de facto complainant on 09.03.2023 and based on the same, the aforesaid crime was registered. This application for anticipatory bail is submitted in such circumstances as they apprehended arrest in connection with the investigation of the said case. B.A.No.3164/23 3

4. Heard Sri.Saji Varghese, learned counsel for the petitioners and Sri.C.S.Hrithwik, learned Public Prosecutor for the State.

5. The learned counsel for the petitioners submits that the

allegations raised against the petitioners are false. According to him, no such incident as alleged in the complaint has happened, and only an exchange of words occurred during the inspection conducted by the Advocate Commissioner.

6. The learned counsel for the petitioners further submits

that the petitioners are ready and willing to abide by any condition that may be imposed by this Court. On the other hand, the learned Public Prosecutor would oppose the aforesaid application. It is pointed out that specific allegation is that the Advocate Commissioner appointed by a court of law was prevented and abused, thereby obstructing her duties. The crime was registered in such circumstances, and the matter is under investigation.

7. I have gone through the records. It is seen from the

records that, there occurred certain acts of obstructing the duties of the Advocate Commissioner. Further, it is seen from the records that no serious injuries were sustained by the de facto complainant. The 2nd petitioner is a person aged 74 years. After B.A.No.3164/23 4 considering all the relevant aspects, I do not find any necessity of custodial interrogation of the petitioners. Therefore, the interest of justice would be served if the cooperation of the petitioners with the investigation is ensured. In such circumstances, this bail application is disposed of with the following conditions:

(i) The petitioners shall surrender before the Investigating officer, within a period of two weeks from today, for subjecting themselves to interrogation.

(ii) After interrogation, the petitioners shall be released

on bail, on the very same day of surrender upon the petitioners executing a bond for Rs 1,00,000/-(Rupees one lakh only) each with two sureties each for the like sum, to the satisfaction of the investigating officer.

(iii) The petitioners shall fully cooperate with the investigation, including subjecting themselves to the deemed police custody for the purpose of recovery, if any, as and when demanded.

(iv) The petitioners shall appear before the investigating officer between 10.00 a.m and 11.00 a.m every Friday until further orders.

(v) The petitioners shall also appear before the investigating officer as and when required.

(vi) The petitioners shall not commit any offence of similar nature while on bail.

(vii) The petitioners shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the B.A.No.3164/23 5

evidence or influence any witnesses or other persons related to the investigation.

(viii) The petitioners shall not leave the State of Kerala without the permission of the trial Court. In case of violation of any of the above conditions, the

jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A. JUDGE DG/5.6.23 B.A.No.3164/23 6 APPENDIX OF BAIL APPL. 3164/2023 PETITIONER ANNEXURES Annexure1 ORIGINAL ORDER DATED 4-4-2023 IN CRLMC NO.1210 OF 2023 OF SESSIONS COURT PALAKKAD

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