

Prem @ Premkumar vs State of Kerala

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Court : Kerala

Decided On : Nov-28-2023

Judge : Honourable Mr.Justice Mohammed Nias C.P.

Appeal No. : Bail Appl./9719/2023

Appellant : Prem @ Premkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.
TUESDAY, THE 28TH DAY OF NOVEMBER 2023 / 7TH
AGRAHAYANA, 1945 BAIL APPL. NO. 9719 OF 2023 CRIME
NO.482/2023 OF MARAYUR POLICE STATION, IDUKKI
PETITIONERS/ACCUSED:

1 PREM @ PREMKUMAR AGED 30 YEARS, S/O MOHAN, SANTHOSH
BHAVAN, BABU NAGAR, MARAYOOR, IDUKKI DISTRICT, PIN -
685620 2 UNNI BABU AGED 30 YEARS, S/O BABU, VALLIVILAYIL
HOUSE, BABU NAGAR, MARAYOOR, IDUKKI DISTRICT, PIN - 685620
3 VINU AGED 30 YEARS, S/O SUBAYYA,

CHEMMANNUKUZHIBHAGOM, MARAYOOR, IDUKKI DISTRICT, PIN - 685620 4 ASHWIN AGED 30 YEARS, S/O SAKTHIVEL, BABU NAGAR KARA, MARAYOOR VILLAGE, DEVIKULAM, IDUKKI DISTRICT, PIN - 685620

BY ADV LATHEESH SEBASTIAN RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 SMT.T.V.NEEMA, SR.PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.11.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

MOHAMMED NIAS C.P., J.

----- Dated this the 28th day of
November, 2023

ORDER

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

2. The petitioners are accused in Crime 482/2023 of Marayoor

Police Station, Idukki District, for having allegedly committed offences punishable under Sections 427, 447, 452, 506 and 34 of the Indian Penal Code and Sections 3 and 5 of the Kerala Prevention of Damages to Private Property and Payment of Compensation Act.

3. The prosecution case is that on account of animosity with the

son of the defacto complainant arising out of the assault of the 1st petitioner by the son of the defacto complainant, with intention to cause damage to the resort given on lease by the defacto complainant, the petitioners trespassed into the courtyard and reception of the resort of the defacto complainant on 10.10.2023 at about 10.45 PM with sticks and iron rod and destroyed window pale, LED TV, cash counting machine, CC TV unit, illumination light along with the vehicles parked in

the ..3.. compound and thereby committed the aforesaid offence.

4. The learned counsel appearing for the petitioners and the learned Public Prosecutor were heard.

5. Considering the nature of the allegations of having caused

damage to the property and that there is a countercase against the defacto complainant ensuring cooperation in the investigation, I am inclined to grant anticipatory bail to these petitioners. Accordingly, this application is allowed, and the petitioners granted bail subject to the following conditions:-

(i) The petitioners are directed to surrender before the

Investigating Officer within a week from today, and on such surrender, the Investigating Officer can interrogate the petitioners. In the event of their arrest, the Investigating officer shall produce the petitioners before the jurisdictional court on the date of surrender itself.

(ii) On such production, the jurisdictional court shall release the

petitioners on bail, on executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) by the petitioners and by two solvent sureties each for the like sum to the satisfaction of the jurisdictional court.

(iii) The petitioners shall deposit an amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) with the Court concerned within ..4.. 15 days and the said payment will be subject to the outcome of the trial.

(iv) The petitioners shall cooperate with the investigation and make themselves available for interrogation and for investigation as and when the Investigating Officer directs him to do so.

(v) The petitioners shall not intimidate the witnesses or interfere with the Investigation in any manner.

(vi) The petitioners shall not be involved in any offence while on

bail. If any of the above conditions are violated, the court concerned will be empowered to take steps for cancellation of bail as per law. Sd/- MOHAMMED NIAS C.P. JUDGE APA ..5.. APPENDIX OF BAIL APPL. 9719/2023 PETITIONER ANNEXURES Annexure 1 TRUE COPY OF THE FIR AND F.I. STATEMENT IN CRIME NO.482/2023 OF MARAYOOR POLICE STATION Annexure 2 TRUE CITIZEN COPY OF THE FIR IN CRIME NO.480/2023 OF MARAYOOR POLICE STATION Annexure 3 TRUE COPY OF THE CT SCAN OF THE BRAIN OF THE BROTHER OF THE 1ST PETITIONER AT ORION SCAN, UDUMALPET, TAMIL NADU DATED 11.10.2023 Annexure 4 TRUE COPY OF THE CASUALTY TICKET ISSUED FROM GOVT. MEDICAL COLLEGE HOSPITAL, IDUKKI ON 17.10.2023 TO THE 1ST PETITIONER

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