

Rasak vs State of Kerala

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Court : Kerala

Decided On : May-27-2021

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./3608/2021

Appellant : RASAK

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR THURSDAY, THE 27TH DAY OF MAY 2021 / 6TH JYAISHTA, 1943 CRIME NO.323/2021 OF Kannur Town, Kannur PETITIONER: RASAK AGED 61 YEARS KADAVINDAVIDE HOUSE, GOPAL STREET, KANNUR KANNUR, PIN - 670001 BY ADV M.M.DEEPA RESPONDENT: STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 BY ADV.SMT.SREEJA V., PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.05.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -2-

ORDER

The petitioner is the second accused in Crime No.323 of 2021 of Kannur Town Police Station registered for the offences punishable under Sections 143, 147, 148, 341, 323, 324, 325, 294(b) and 354B read with Section 149 IPC.

2. The petitioner has filed this application under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing this application.

5. It has been submitted by the learned Public

Prosecutor that A1 and A3 were released on bail after their arrest and judicial detention and A4 and A5 were granted pre-arrest bail by the Sessions Court concerned.

6. The allegation against the petitioner is that the petitioner caught the hand of the injured and twisted and as a consequence, the little finger of the injured was -3-fractured. The learned Public Prosecutor has submitted that the petitioner has no criminal antecedent. It appears that

no weapon was used by the petitioner. A4 and A5 were already granted the relief under Section 438 Cr.P.C. by the Sessions court. A1 and A3 were released on bail after their arrest and judicial detention. Considering the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioner is not necessary in

this case. In the said circumstances, I am inclined to grant pre-arrest bail to the petitioner. In the result, this application stands allowed and the

petitioner shall be released on bail in the event of his arrest in Crime No.323/2021 of Kannur Town police station, on condition of the petitioner executing a bond for Rs.35,000/- (Rupees Thirty Five Thousand only) with two solvent sureties, each for the like sum to the satisfaction of the Station House Officer concerned, before

-4- whom the petitioner shall surrender within twenty days, if not arrested in the meantime and subject to the following further conditions:

1. The petitioner shall report before the Investigating Officer as and when required by the Investigating Officer for interrogation.
2. The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.
3. The petitioner shall not get involved in any other offence during the pendency of this case. Sd/- B.SUDHEENDRA KUMAR JUDGE nkr/27.05.2021

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