

Maneesh vs State of Kerala

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Court : Kerala Orders

Decided On : Feb-28-2019

Judge : Honourable Mr. Justice Sunil Thomas

Appeal No. : Bail Appl./1093/2019

Appellant : Maneesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS
THURSDAY ,THE 28TH DAY OF FEBRUARY 2019 / 9TH PHALGUNA,
1940 Bail Appl..No. 1093 of 2019 AGAINST THE ORDER IN CRMC
210/2019 of SESSIONS COURT, ERNAKULAM DATED 01-02-2019
CRIME NO. 26/2019 OF HILL PALACE POLICE STATION ,
ERNAKULAM PETITIONER/ACCUSED NO.1: MANEESH, AGED 27
YEARS S/O.THANKAPPAN, PALLIPARAMBIL HOUSE,
UDAYAMPEROOR, ERNAKULAM DISTRICT,(A1) BY ADVS.
SRI.K.L.SHYAM SRI.K.K.VINOD RESPONDENT/DEFACTO
COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN-682031. 2

THE SUB INSPECTOR OF POLICE, HILL PALACE POLICE STATION, ERNAKULAM DISTRICT, PIN-682309. SR.PP C.N PRABHAKARAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.02.2019, ALONG WITH BA.NO.1094/2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS
THURSDAY ,THE 28TH DAY OF FEBRUARY 2019 / 9TH PHALGUNA,

AGAINST THE ORDER IN CRMC 209/2019 of SESSIONS COURT, ERNAKULAM AGAINST THE ORDER IN CMP 79/2019 of JUDICIAL FIRST CLASS MAGISTRATE COURT, TRIPUNITHURA CRIME NO. 26/2019 OF HILL PALACE POLICE STATION , ERNAKULAM PETITIONERS/ACCUSED NO.2 & 3 (CUSTODY): 1 SIBI@KUTTU, AGED 27 YEARS S/O. RAMACHANDRAN, CHERIYEDATHU HOUSE, NEAR ULLADAMVELI MARKET, UAYAMPEROOR, ERNAKULAM DISTRICT (A2). 2 SIJU @ KANNAN, AGED 28 YEARS S/O. VINCENT, PARAMBATHU HOUSE, VALIYAKULAM, UDAYAMPEROOR, ERNAKULAM DISTRICT (A3). BY ADVS. SRI.K.L.SHYAM SRI.K.K.VINOD RESPONDENTS/DEFACTO COMPLAINANT: 1 STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, 682 031. 2 THE SUB INSPECTOR OF POLICE, HILL PALACE POLICE STATION, E RNAKULAM DISTRICT 682 309. PP AJITH MURALI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28.02.2019, ALONG WITH BA.NO.1093/2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

The petitioners are accused Nos.1 to 3 in Crime No.26/2019 of Hill Palace Police Station, for offences punishable under sections 341, 323, 324 and 307 read with section 34 of the Indian Penal Code.

2. The allegation of the prosecution is that, on

4.1.2019, at about 11.40 pm., while the defacto complainant and his friend were waiting in front of a tea shop, the accused came on a motor cycle and attacked the defacto complainant. The first accused hit on the head with a soda bottle and the second accused hit with a granite piece. The third accused hit with the defacto complainant, who had by that time fallen down. The accused Nos.2 and 3, were arrested on 5.1.2019 and are in custody since then. They seek bail in BA.No.1094/2019. Apprehending arrest, the first accused seeks bail in BA.No.1093/2019.

3. It seems that specific overtacts are attributed to each of the accused. The major role is played by accused

Nos.1 and 2. The first accused is involved in two other cases, the second accused is involved in five other cases and the third accused is involved in three other cases. Having considered the serious nature of allegations against the first accused, I am not inclined to grant him the benefit of pre-arrest bail. Regarding accused Nos.2 and 3, considering the period of detention, I am inclined to grant bail to accused Nos.2 and 3, who are petitioner Nos. 1 and 2 in BA.No.1094/2019, on the following conditions :

(i) Accused Nos.2 and 3, who are petitioner Nos.1

and 2 in BA.No.1094/2019, shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two sureties for the like sum each to the satisfaction of the jurisdictional Court.

(ii) Accused Nos. 2 and 3, shall appear before the investigating officer on every Thursdays between 9 am and 10 am for a period three months, from the date of their release.

(iii) Accused No.2, shall not enter the limits of Hill

Palace police station for a period of three months, except for the compliance of the above condition or for appearance in a court of law, wherein his presence is

absolutely essential. However, in case of extreme emergency, he may enter the limits with the prior permission in writing of the jurisdictional Court in this crime.

(iv) They shall not threaten, coerce or intimidate the defacto complainant and the witnesses nor shall they interfere in the process of investigation.

(v) They shall not get involved in any other crime and

involvement of it, will be a ground for cancellation of bail in this case. Bail application No.1094/2019 is allowed as above. Bail application No.1093/2019 is dismissed. Sd/- SUNIL THOMAS, JUDGE R.AV //True Copy// PA to Judge

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