

Ralph Gladwin vs State of Kerala,

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Court : Kerala

Decided On : Apr-04-2019

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : Bail Appl./2283/2019

Appellant : Ralph Gladwin

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR THURSDAY,THE 04TH DAY OF APRIL 2019 / 14TH CHAITHRA, 1941 AGAINST THE ORDER/JUDGMENT IN CRMC 259/2019 of DISTRICT COURT & SESSIONS COURT,KOLLAM DATED 07-03-2019 CRIME NO. 1043/2018 OF Kottiyam Police Station , Kollam PETITIONER/5TH ACCUSED: RALPH GLADWIN AGED 20 YEARS (A5), S/O.GLADWIN ANSELAM, TONY LAND, KOTTIYAM P.O., KOLLAM DISTRICT. BY ADVS. SRI.BINU GEORGE SMT.HEMALATHA RESPONDENT/STATE: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031. SMT.V.SREEJA,PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04.04.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: -2-

ORDER

The petitioner is the 5th accused in Crime No.1043 of 2018 of Kottiyam Police Station registered for the offences punishable under Sections 143, 144, 147, 148, 323, 324 and 308 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 submitted that the petitioner is not involved in any other offence of similar nature.

5. The 1st accused was already granted bail after

his arrest and judicial detention. It has been submitted by the learned Public Prosecutor that A2 to A4 were -3- granted the relief under Section 438 Cr.P.C. by this Court. Having regard to the facts and circumstances of the case, I am of the view that an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case, particularly when there is no criminal antecedent against the petitioner. In the result, this bail application stands allowed and the respondent is directed to release the petitioner on bail in the event of his arrest in connection with Crime No.1043/2018 of Kottiyam police station, on condition of the petitioner executing a bond for Rs.40,000/- (Rupees forty thousand only), with two solvent sureties, each for the like sum to the satisfaction of the Station House Officer of Kottiyam Police Station, before whom the petitioner shall surrender within ten days, if not arrested in the meantime and subject to the following further conditions:- -4-

(i) The petitioner shall report before the

Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

(ii) The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

(iii) The petitioner shall not get involved in similar offences during the pendency of this case. Sd/- B.SUDHEENDRA KUMAR JUDGE Nkr/04.04.19

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