

(2014) 02 KL CK 0109
In the High Court Of Kerala
Case No : Bail Appl. No. 1064 of 2014

Anoop.T.P. and Prasannan M.V.

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 20-02-2014

Acts Referred:

Penal Code, 1860 (IPC) — Section 143, 147, 148, 149, 302

Citation : (2014) 02 KL CK 0109

Hon'ble Judges : Thomas P. Joseph, J

Bench : Single Bench

Advocate : M. Sasindran and Sri A. Arunkumar, Advocate for the Appellant;
V.S.Sreejith, Public Prosecutor for R1 and R2, Advocate for the Respondent

Judgement

Thomas P. Joseph, J.—Petitioners are accused 3 and 8 in Crime No. 1149 of 2013 of the Payyannur police station for the offences punishable under Secs. 143, 147, 148, 341, 427 and 307 r/w. Sec. 149 of the Penal Code, are in custody from 20.12.2013 and 05.12.2013, respectively and seek bail.

2. Learned Public Prosecutor has opposed the application. It is submitted that on 01.12.2013 at about 03:40 p.m. the petitioners and others attacked the de facto complainant and others with deadly weapons and attempted to cause his death. It is submitted that as of now 8 accused are identified while others are yet to be identified. The 1st petitioner is involved in Crime No. 11465 of 2013 of the same station for offences including Sec. 302 of the Penal Code. The 2nd petitioner is involved in Crime No. 1152 of 2013 of the same station for offences including Sec. 308 of the Penal Code.

3. Learned counsel requested for bail. It is submitted that the accused 2 and 4 are already released on bail.

4. Having regard to the fact that the first petitioner is also involved in a murder case, request for bail cannot be allowed at this stage.

5. However, having regard to the circumstances, I am inclined to grant bail to the

second petitioner/8th accused but subject to stringent conditions to prevent recurrence of such incidents in future.

Application is disposed of as under:

1. Request for bail made by the first petitioner/3rd accused in Crime No. 1149 of 2013 of Payyannur police station is rejected.

2. Second petitioner/8th accused is granted bail in Crime No. 1149 of 2013 of Payyannur police station and shall be released, if not required to be detained otherwise on his executing bond for Rs. 25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the jurisdictional magistrate and subject to the following conditions:-

a) One of the sureties shall be a close relative of the petitioner.

b) Petitioner shall report to the Investigating Officer on every Saturday between 10:00 a.m. and 12:00 p.m. until filing of the final report.

c) Petitioner shall report to the investigating officer as and when required for interrogation.

d) Petitioner shall not get involved in any offence during the period of this bail.

e) Petitioner shall not intimidate/influence the witnesses.

f) It is made clear that in case any of condition Nos. (b) to (e) is violated, it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate (until committal if any and thereafter before the learned Principal Sessions Judge concerned) as held in P.K. Shaji V. State of Kerala (AIR 2006 Supreme Court 100).