

Kerala High Court

Munivaranan vs State Of Kerala on 7 April, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 7849 of 2009()

1. MUNIVARANAN, S/O. SUDHAKARAN,  
... Petitioner
2. RAVU, S/O. KUMARAN,

Vs

1. STATE OF KERALA, REPRESENTED BY  
... Respondent

For Petitioner :SRI.LIJU. M.P

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice K.T.SANKARAN

Dated :07/04/2010

O R D E R

K.T. SANKARAN, J.

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B.A. No. 7849 of 2009

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Dated this the 7th day of April, 2010

O R D E R

When the Bail Application came up for hearing on 23.03.2010, the following order was passed:

"This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure. The petitioners are accused Nos.4 and 3 in Crime No.540 of 2009 of Kadakkavoor Police Station.

2. The offences alleged against the petitioners are under Sections 143, 144, 147, 148, 452, 323, 324 and 326 read with Section 149 of the Indian Penal Code.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. It is seen that the grievous hurt caused to the de facto complainant was due to the assault made by accused No.2 using an iron rod. The grievous injuries sustained by the de facto complainant is not attributable to any of the overt acts done by accused Nos.3 and 4, who are the petitioners in this Bail Application.

5. Taking into account the facts and circumstances of the case, I am of the view that before disposing of the Bail Application, an opportunity should be given to the petitioners to appear before the investigating officer. Accordingly, there will be a direction to the petitioners to appear before the investigating officer at 9 A.M. on 27.3.2010 and 28.3.2010. The petitioners shall produce copy of this order before the investigating officer.

Post on 7.4.2010.

It is submitted by the learned Public Prosecutor that the petitioners will not be arrested until further orders in connection with Crime No.540 of 2009 of Kadakkavoor Police Station.

Hand over copy to both sides."

2. It is submitted by the learned counsel for the petitioners and the learned Public Prosecutor that the petitioners have complied with the direction contained in the order dated 23.03.2010.

3. Taking into account the facts and circumstances of the case, the nature of the offence and other circumstances, I am of the view that anticipatory bail can be granted to the petitioners. There will be a direction that in the event of the arrest of the petitioners, the officer in charge of the police station shall release them on bail on their executing bond for Rs.15,000/- each with two solvent sureties for the like amount to the satisfaction of the officer concerned, subject to the following conditions:

A) The petitioners shall report before the investigating officer between 9 A.M and 11 A.M. on alternate Mondays, till the final report is filed or until further orders;

B) The petitioners shall appear before the investigating officer for interrogation as and when required;

C) The petitioners shall not try to influence the prosecution witnesses or tamper with the evidence.

D) The petitioners shall not commit any offence or indulge in any prejudicial activity while on bail. E) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed to the extent indicated above.

K.T. SANKARAN, JUDGE In