

Kerala High Court

Arun S.Baby vs State Of Kerala Rep.By The Sub ... on 12 May, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 2325 of 2009()

1. ARUN S.BABY,S/O.SAMUEL BABY,
... Petitioner

Vs

1. STATE OF KERALA REP.BY THE SUB INSPECTOR
... Respondent

For Petitioner :SRI.T.GOPALAKRISHNAN

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice C.T.RAVIKUMAR

Dated :12/05/2009

O R D E R

C.T. RAVIKUMAR, J.

.....
B.A. No. 2325 OF 2009
.....

Dated this the 12th day of May, 2009

O R D E R

The 2nd accused in Crime No.321/09 of Adoor Police Station alleging commission of offence punishable under sections 143, 147, 148, 149 and 308 IPC is the petitioner herein. The case of the prosecution is that on 21.3.2009 at about 4.30 p.m. some identifiable persons assaulted the de facto complainant and his friends, who are engineering students, with wooden sticks and they sustained injuries. The 1st accused in the said crime had earlier approached this Court by filing B.A. No.1619/2009 and the same was disposed of by this Court by order dated 31.3.2009. The petitioner prays that being the 2nd accused he may also be given the benefit of such an order.

2. Anticipatory bail cannot be granted in a case of this nature. However, the petitioner can be permitted to surrender before the investigating officer for the purpose of interrogation and to have his application for regular bail considered by the Magistrate having jurisdiction. The said prayer of the 1st accused BA.2325/09 was granted by this Court as per order dated 31.3.2009. I think the petitioner herein can also be afforded with such an opportunity. Accordingly, the petitioner shall surrender before the investigating officer in the said crime on any day between 19.5.2009 and 22.5.2009 for the purpose of interrogation and recovery of incriminating material, if any. In the event of such surrender, the petitioner shall be produced before the concerned Magistrate by the investigating officer on the same day itself and if an application for regular bail is moved by the petitioner, the Magistrate shall consider the same, preferably on the same day on which it is moved. On being convinced that the petitioner has been interrogated by the police, the Magistrate, after such consideration, shall release the petitioner on bail as ordered in the case of the 1st accused in Crime No.321/09, on the petitioner executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the Magistrate and subject to the following conditions:

BA.2325/09

(i) the petitioner shall report before the investigating officer between 9 am and 11 am on all Wednesdays.

(ii) The petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigating officer.

(iii) The petitioner shall not commit any offence while on bail.

(iv) If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The bail application is disposed of as above.

(C.T. RAVIKUMAR, JUDGE) aks