
Suresh Vs State of Kerala

Bail Appl.. No. 3796 of 2010 ()

Court: High Court Of Kerala

Date of Decision: July 15, 2010

Acts Referred:

Penal Code, 1860 (IPC) & Section 294, 307, 324

Hon'ble Judges: K. Hema, J

Bench: Single Bench

Advocate: T.A. Unnikrishnan, for the Appellant; Public Prosecutor, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

K. Hema, J.

This petition is for bail.

2. The alleged offences are under Sections 307, 324, 294(b) of Indian Penal Code. According to prosecution, Petitioner used to tease the niece of

de facto complainant. This was objected to by de facto complainant. On 09/05/2010, Petitioner attacked de facto complainant with wooden log

and inflicted injuries. When the niece intervened, she was also beaten with wooden log and serious injuries were inflicted.

3. Petitioner was arrested on 11/05/2010 and he is in custody for the past 65 days. Learned Counsel for Petitioner submitted that the hit aimed at

the de facto complainant unintentionally fell on his niece.

4. Learned Public Prosecutor submitted that Petitioner attacked de facto complainant while the niece intervened and she was also beaten by

Petitioner. She is a girl aged 15 years who sustained fracture to the skull. The Incident happened since de facto complainant used to raise objection

in Petitioner teasing his niece who is injured. However, taking into consideration the period of detention and the stage of investigation, this petition

is not opposed. But, stringent condition may be imposed while granting bail, it is submitted.

5. On hearing both sides and on consideration of the stage of investigation, I think, bail can be granted on conditions. Hence the following order is

passed:

Petitioners shall be released on bail on his executing a bond for Rs. 50,000/- with two solvent sureties each for the like sum to the satisfaction of

the Magistrate Court concerned on the following conditions:

- i) Petitioner shall report before the Dy.S.P, Kattappana on every Monday, Wednesday and Saturday, between 10 A.M. and 1 P.M.
- ii) Petitioner shall not enter the limits of the police station within which the crime is registered, except for compliance of condition No. 1.
- iii) Petitioner shall not influence or intimidate any witness or tamper with the evidence.
- iv) In case, Petitioner is involved in any similar offence, bail is liable to be cancelled.

This petition is allowed.