

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOMAS PJOSEPH

THURSDAY, THE 19TH DAY OF DECEMBER 2013/28TH AGRAHAYANA, 1935

Bail Appl..No. 8194 of 2013 (E)

AGAINST THE ORDER IN CRMP 5316/2013 of DIST & SESSIONS COURT, ALAPPUZHA
DATED 18-11-2013

AGAINST THE ORDER IN CMP 5147/2013 of J.M.F.C.-I, ALAPPUZHA
(CRIME NO. 1392/2013 OF ALAPPUZHA SOUTH POLICE STATION, ALAPPUZHA)

PETITIONERS : -

1. SABU, AGED 36 YEARS,
S/O.P.K.PURUSHAN, P
PANANCHITHARA HOUSE,
PALLATHURUTHI WARD,
SANATHANAPURAM P.O., ALAPPUZHA.
2. SHYAM KUMAR, AGED 29 YEARS,
S/O.SASI, NIKARTHIL HOUSE,
PAZHAVEEDU P.O., ALAPPUZHA.
3. SAJI, AGED 37 YEARS,
S/O.P.K.MOHANAN,
PANANCHITHARA HOUSE,
PALLATHURUTHI WARD,
SANATHANAPURAM P.O.,
ALAPPUZHA.

BY ADV. SRI.DARSAN SOMANATH

RESPONDENT: -

THE STATE OF KERALA,
REPRESENTED THROUGH THE GOVERNMENT PLEADER,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. SREEJITH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-12-2013,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DMR/-

THOMAS P. JOSEPH, J.

Bail Appl. No.8194 of 2013

Dated this the 19th day of December 2013

O R D E R

Petitioners are accused in Crime No.1392 of 2013 of the Alappuzha South Police station for the offences punishable under Secs.341, 294b, 324 and 326 read with Sec.34 of the Indian Penal Code, apprehend arrest and have filed the application.

2. The petitioners attacked the defacto complainant for which the Police registered Crime No.1229 of 2013 for the offences punishable under Secs.324 and 341 read with Sec.34 of the Indian Penal Code. A case was registered against the defacto complainant and others as Crime No.1391 of 2013 under Secs.323, 341 and 294(b) of the Indian Penal Code. The defacto complainant was not satisfied with the offences attributed to the petitioners in Crime No.1229 of 2013 and filed a private complaint before the jurisdictional magistrate. That complaint was forwarded to the Police for investigation under Sec.156(3) of the Code of Criminal Procedure. The Police registered Crime No.1392 of 2013

(in respect of the same incident referred to in Crime No.1229 of 2013).

3. Learned Public Prosecutor has submitted that the Sub Inspector of Police, Alappuzha South has submitted a final report before the jurisdictional magistrate in Crime No.1392 of 2013 stating that the incident happened not in the way alleged in the private complaint but in the way stated in Crime No.1229 of 2013 and in the circumstance, it is not necessary to proceed with Crime No.1392 of 2013.

4. In the light of that submission, petitioners need not have any apprehension of arrest in Crime No.1392 of 2013.

The application is closed without prejudice to the petitioners moving again, in case of any genuine apprehension of arrest in future.

Sd/-

THOMAS P. JOSEPH
JUDGE

/True Copy /

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P.A. To Judge

