

Jitheshkumar Vs. State of Kerala

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Court : Kerala

Decided On : Oct-01-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Jitheshkumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH TUESDAY, THE 1ST DAY OF OCTOBER 2013 9TH ASWINA, 1935 BAIL APPL..NO. 5269 OF 2013()
----- CRIME NO. 391/2012 OF VELLARADA POLICE STATION , THIRUVANANDAPURAM PETITIONER/1ST ACCUSED: ----- ANI, S/O.VASUDEVAN NAIR, KURICHIVILA PUTHEN VEEDU AGED 37 YEARS CHERIYAKOLLA P.O., NEYYATTINKARA. BY ADV. SRI.G.SUDHEER RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. LELIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION 01.10.2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A. No.5269 of 2013
===== Dated this the 01st day of

October, 2013

ORDER

Petitioner is the 1st accused, in Crime No.391 of 2012 of Vellarada Police Station for offences punishable under Sections 447, 323 and 308 read with Sec.34 of the Indian Penal Code.

2. Case is that on 23.05.2012 at about 6.00 p.m. the petitioner attacked the de facto complainant with spade.

3. Learned counsel for the petitioner submitted that the allegations are false and that the de facto complainant who is the brother of the petitioner had arrayed wife of the petitioner as accused but she was deleted from the array of accused. It is also submitted that the de facto complainant attacked the petitioner with sword for which a case is registered. Petitioner has produced Annexure C to show that he sustained injuries. Learned counsel submits that in view of the injuries sustained by the petitioner on the left arm as seen from Annexure C, petitioner could not attack the de facto complainant with a spade.

4. I have heard the learned Public Prosecutor also who opposed the application. B.A. No.5269 of 2013 -:

2. :- 5. Having regard to the circumstances of the case I am inclined to grant some relief to the petitioner. Resultantly, this application is disposed of as under: (i) Petitioner is granted three weeks' time from this day to appear in the court concerned and seek regular bail. (ii) In case during the said period of three weeks petitioner is arrested, he shall be released on bail for the said period of three weeks on his executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each before the arresting officer. (iii) Petitioner shall report to the officer investigating the case on all Mondays and Saturdays between 09.00 a.m. and 10 a.m. and on other dates as may be directed by the investigating officer during the said period of three weeks, for interrogation. (iii) Petitioner shall not leave the local limits of Vellarada Police Station during the said of period three weeks without permission of the jurisdictional magistrate. (iv)

Petitioner can move application for regular bail before the court concerned with intimation to the learned Assistant Public Prosecutor at least two working days, in advance. (v) In case custodial interrogation of the petitioner is B.A. No.5269 of 2013 -:

3. :- required, it is open to the investigating officer to move appropriate application for that purpose before the court concerned. (vi) The court concerned shall dispose of the application(s) if any preferred as early as possible on merit. THOMAS P.JOSEPH, JUDGE. vsv

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