

Noushad Vs. State of Kerala

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Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Noushad

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 Bail Appl..No. 7148 of 2013 () ----- CRIME NO. 1475/2013 OF CHAVARA POLICE STATION , KOLLAM PETITIONERS/ACCUSED A1 TO 6 ----- 1. NOUSHAD AGED 32 YEARS S/O.MUHAMMAD KUNJU, THARAYIL PUTHEN VEEDU, MAVELI MURI PANMANA VILLAGE, KARUNAGAPPALLY THALUK, KOLLAM DISTRICT 2 MUHAMMAD KUNJU AGED 75 YEARS THARAYIL PUTHEN VEEDU, MAVELI MURI, PANMANA VILLAGE KARUNAGAPPALLY THALUK, KOLLAM DISTRICT 3 NADEERA AGED 65 YEARS W/O.MUHAMMAD KUNJU, THARAYIL PUTHEN VEEDU, MAVELI MURI PANMANA VILLAGE, KARUNAGAPPALLY THALUK, KOLLAM DISTRICT 4 SULFATH W/O.IBRAHIM KUTY, SUDHEER MANZIL, PADA-NORTH KARUNAGAPPALLY VILLAGE, KARUNAGAPPALLY THALUK KOLLAM DISTRICT 5 NAZAR AGED 54 YEARS S/O.MUHAMMAD KUNJU, KOONATHARA PADEETTATHIL MAVELI MURI, PANMANA VILLAGE, KARUNAGAPPALLY THALUK KOLLAM DISTRICT 6 SUDHEER KHAN

AGED22YEARS S/O.IBRAHIM KUTTY, SUDHEER MANZIL, PADA-NORTH
KARUNAGAPPALLY VILLAGE, KARUNAGAPPALLY THALUK KOLLAM
DISTRICT BY ADV. SRI.P.V.DILEEP RESPONDENT/COMPLAINANT(S):
----- STATE OF KERALA REPRESENTED BY THE PUBLIC
PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC
PROSECUTOR:ADV ROY THOMAS THIS BAIL APPLICATION HAVING COME
UP FOR ADMISSION ON3110-2013, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A.No.7148 of 2013
===== Dated this the 31st day of October, 2013

ORDER

Petitioners are accused 1 to 6, in Crime No.1475 of 2013 of the Chavara Police Station for the offences punishable under Secs.498A and 323 r/w Sec.34 of the Indian Penal Code for allegedly subjecting the de facto complainant to cruelty and assaulting her physically as well, demanding more ornaments.

2. Learned counsel submits that the allegations are false.

3. Learned Public Prosecutor asserted that the petitioners are involved in the incident.

4. On going through the CD file, I find that some overt acts are attributed to the petitioners 1 and 5. Having regard to the nature of allegations, I am inclined to grant relief to the petitioners but subject to conditions. Resultantly this application is disposed of as under: (I) It is directed that in case the petitioners 2 to 4 and 6 are arrested in Crime No.1475 of 2013 of the Chavara Police Station, they shall be released on bail on their executing bond for `10,000/- (Rupees Ten Thousand Only) each with two sureties each for the like sum each before the arresting officer and subject to the following conditions: B.A.No.7148 of 2013 2 (a) Petitioners shall report to the Investigating Officer as and when required for interrogation. (b) Petitioners shall not influence or intimidate the witnesses in the case. (II) Petitioners 1 and 5 shall appear before the officer investigating Crime No.1475 of

2013 of the Chavara Police Station on 07.11.2013 at 10 a.m for interrogation. (III) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioners on other day/days and time as may be specified by him which the petitioners shall comply. (IV) In case the petitioners 1 and 5 are arrested, they shall be produced before the jurisdictional magistrate the same day. (V) On such production, learned magistrate shall release the petitioners 1 and 5 on bail (if not required to be detained otherwise) on their executing bond for `10,000/- (Rupees Twenty Five Thousand Only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) Petitioners 1 and 5 shall report to the Investigating Officer as and when required for interrogation. (b) Petitioners 1 and 5 shall not influence or intimidate the B.A.No.7148 of 2013 3 witnesses in the case. (VI) In case the petitioners violate any of the above conditions, it is open to the investigating officer to move the jurisdictional magistrate for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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