

Ashok Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Nov-29-2013

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : Ashok Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN FRIDAY, THE 29TH DAY OF NOVEMBER 2013 8TH AGRAHAYANA, 1935 Bail Appl..No. 7898 of 2013 ()
----- CRIME NO. 1203/2013 OF HARIPPAD POLICE STATION
, ALAPPUZHA DISTRICT -----

PETITIONERS/ACCUSED: ----- 1. ASHOK KUMAR, S/O.SREEDHARAN PILLAI, AGED 44 YEARS, KALEEKKAL KIZHAKKATHIL, NEENDOOR MURI, PALLIPAD VILLAGE, KARTHIKAPPALLY TALUK, ALAPPUZHA.

2. PONNAMMA, W/O.SREEDHARAN PILLAI, AGED 70 YEARS, HARIBHAVAN, NEENDOOR, PALLIPAD VILLAGE, KARTHIKAPPILLY.

3. MAYA, AGED 34 YEARS, W/O.ASHOK KUMAR, KALEEKKAL KIZHAKKATHIL, NEENDOOR MURI, PALLIPAD VILLAGE, KARTHIKAPPALLY TALUK, ALAPPUZHA. BY ADVS.SRI.JOHN K.GEORGE SRI.M.A.PRABHU

RESPONDENT/COMPLAINANT : ----- STATE
OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. P.MAYA THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.11.2013, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING: sts P.BHAVADASAN,
J.

----- B.A. No. 7898 of 2013 -----
----- Dated this the 29th day of November, 2013

ORDER

Litigations are in plenty between the parties. On an earlier occasion, this Court had to deal with one of them and on finding that the complainant in that instance did not make out any offence as such, anticipatory bail was granted.

2. The first petitioner is the brother-in-law, the second petitioner is the mother-in-law and the third petitioner is the co-sister of the defacto complainant. It appears that the defacto complainant had obtained orders of residence in the matrimonial house from the court concerned. The allegation is that on the date of incident, the petitioners went over to the house and asked for removal of box. There occurred exchange of words which resulted in a scuffle. Petitioners are alleged to have abused and attacked the victim causing injuries to her. B.A. No.7898/2013 -2- 3. Petitioners would say that they are totally innocent and have been falsely implicated with ulterior motive. It is pointed out that the second petitioner has instituted proceedings anticipating that it might go against the defacto complainant who has instituted second round of litigation only to fasten liability on the petitioner. Petitioners say that they have not committed any act as alleged.

4. The learned Public Prosecutor only pointed out that the investigation is at an infant stage.

5. After having heard the learned counsel for the petitioners and the learned Public Prosecutor and having perused the records and also taking note of the earlier incident which brought some members of the family to this Court, it is felt that this

is a fit case where extraordinary jurisdiction of this Court needs to be exercised in favour of the petitioners. The petition is allowed as follows: B.A. No.7898/2013 -3- 1) Petitioners shall surrender before the Investigating Officer on or before 06.12.2013, who, after interrogation, shall produce them before the JFCM court concerned, which court, on an application for bail being moved by the petitioners shall release them on bail on each of them executing a bond for a sum of ` 15,000/- (Rupees Fifteen thousand only) with two solvent sureties for the like sum each to the satisfaction of the said court. 2) The court concerned shall ensure the identity of the sureties and the veracity of the tax receipts, before granting bail. 3) Petitioners shall appear before the Investigating Officer on every Wednesday between 9.00 am and 10.00 am until further orders. 4) Petitioners shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses. B.A. No.7898/2013 -4- 5) If any of the conditions is violated, bail granted to the petitioners shall stand cancelled and the court concerned may take such steps as are available to it in accordance with law. P.BHAVADASAN JUDGE ds

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