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A.Rajesh Vs. State of Kerala

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Court : Kerala

Decided On : Jan-01-2014

Judge : Honourable Mr.Justice P.Bhavadasan

Appellant : A.Rajesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.BHAVADASAN WEDNESDAY, THE1T DAY OF JANUARY201411TH POUSHA, 1935 Bail Appl..No. 8571 of 2013 () ---------- CRIME NO. 799/2013 OF MAYYIL POLICE STATION , KANNUR DISTRICT ---------- PETITIONER/ACCUSED : ---------- A.RAJESH, S/O.K.KUNHIRAMAN NAMBIAR, AGED35YEARS, REJITHA NIVAS, P.O.CHELERI, KANNADIPARAMBA, KANNUR -675 604. BY ADVS.SRI.K.C.SANTHOSHKUMAR SMT.K.K.CHANDRALEKHA RESPONDENT/COMPLAINANT : ---------- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0101-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts P.BHAVADASAN, J.

---------- Bail Application No.8571 OF2013---------- Dated this the 1st day of January, 2014.

ORDER

The petitioner is the sole accused in Crime No.799/2013 of Mayyil Police Station who is alleged to have committed the offences punishable under Sections 447, 341, 294(b), 354B and 323 IPC. The allegation against the petitioner is that on the date of the incident at 12'0 clock in the noon, he forced himself into the house of the de facto complainant and attacked her.

2. The petitioner would say that the allegations are totally false and are contrary to true facts. It is pointed out that actually the petitioner's mother was attacked and she was hospitalized and apprehending that the said incident may create trouble for the victim, the victim lodged the present complaint raising false allegations. The petitioner would also say that he is totally innocent.

3. Learned Public Prosecutor only pointed out that the investigation is at an infant stage. B.A.No.8571/2013 2 4. After having heard the learned counsel for the petitioner, the learned Public Prosecutor and also after having perused the records, though it may not be possible to say that the petitioner is totally innocent, there seems to be some substance in the complaint that offence under Section 354 IPC has been deliberately incorporated so as to make allegations against the petitioner. Considering the totality of the circumstances, it is felt that this is a fit case where extra ordinary jurisdiction of this Court needs to be exercised in favour of the petitioner. The application is allowed on the following conditions: i) The petitioner shall surrender before the Investigating Officer on or before 08.01.2014 who, after interrogation, shall produce him before the Court concerned, which court, on application for bail being moved by the petitioner, shall release him on bail on his executing bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two solvent sureties for the like sum each to the satisfaction of the Court concerned. ii) The Court concerned shall ensure the identity of the sureties and also the veracity of the tax receipts B.A.No.8571/2013 3 produced by them. iii) The petitioner shall report before the Investigating Officer on every Wednesday between 9 a.m and 10 a.m until further orders. iv) The petitioner shall not tamper

or attempt to tamper with the evidence or influence or try to influence the witness. v) If any of the condition is violated, the bail granted shall stand cancelled and the Court concerned, on being satisfied of the said fact, may take such steps as are available to it in law. Sd/- P.BHAVADASAN JUDGE smp // True Copy // P.A. to Judge.

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