

Sanil Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Feb-04-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Sanil Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN TUESDAY, THE 4TH DAY OF FEBRUARY 2014 15TH MAGHA, 1935 Bail Appl.No. 707 of 2014 (C) ----- CRIME NO. 11/2014 OF PANAMARAM POLICE STATION , WAYANAD DISTRICT ACCUSED(S)/PETITIONER: ----- SANIL KUMAR AGED 35 YEARS S/O. C.C. ANNAN, PULAMOOLA KUNNU COLONY CHERUKATTU.P.O., KAPPAM CHAL, PANAMARAM WAYANADU. BY ADV. SRI.JESWIN P.VARGHESE COMPLAINANT(S)/RESPONDENT: ----- 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 ON 0402-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- Dated this the 4th day of February, 2014

ORDER

The petitioner is the accused in Crime No.11/2014 of Panamaram Police Station, Wayanad District. The offences alleged are under sections 452 and 354A and 354 B of IPC.

2. It is alleged that on 16.1.2014 at about 10.45 p.m., the accused trespassed into the house of the complainant. The complainant was lying on a cot in her bedroom. The accused trespassed into that room, lifted her nighty and pressed parts of her body. She cried aloud and her husband, who was watching T.V. in another room, reached there. She could get hold of the 'mundu' worn by the accused. On hearing the cry the neighbours also reached there. B.A. No. 707/2014 -2- 3. The learned counsel for the petitioner submits that it is a false case created by the Circle Inspector of Kalpetta, who is the brother of the complainant's husband. It is stated that there was a dispute with regard to money borrowed and the interest payable thereon. Therefore, according to the petitioner, this case has been created to escape from payment of money.

4. Considering all the aspects the following directions are issued: The petitioner shall surrender before the Investigating Officer within ten days from today. After interrogation the accused shall be produced before the learned Magistrate. When applied for bail by the accused, the learned Magistrate will, considering the nature of the case, grant bail to the petitioner but on the following conditions: a. The petitioner shall execute a bond for Rs.20,000/- (Rupees Twenty thousand only) with two solvent sureties each for B.A. No. 707/2014 -3- the like sum to the satisfaction of the learned Magistrate. If in case the Magistrate has any doubt about the genuineness or correctness of the tax receipts produced by the sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further orders. c. The petitioner shall surrender his original passport before the learned jurisdictional

Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate. d. The petitioner will also file an affidavit that he will abide by all the conditions B.A. No. 707/2014 -4- as mentioned above and that he will not commit any offence similar to the offence involved in this case and will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence. e. The petitioner shall not leave the State of Kerala without the prior permission of the learned Magistrate. f. The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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