

**Sunil Kumar Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Feb-04-2014

**Judge :** Honourable Mr.Justice N.K.Balakrishnan

**Appellant :** Sunil 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. 708 of 2014 (C) ----- CRIME NO. 87/2014 OF THIRURANGADI POLICE STATION , MALAPPURAM DISTRICT ACCUSED(S)/ACCUSED: ----- SUNIL KUMAR AGED 44 YEARS S/O.SUBRAHMANIAN, KOMBALA, POST OLAKARA THIRURANGADI TALUK, MALAPPURAM DISTRICT. BY ADV. SRI.C.M.MOHAMMED IQUBAL COMPLAINANT(S)/STATE: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.GITHESH R. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-02-2014, 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.87/2014 of Thirurangadi Police Station, Malappuram District. The offences alleged are under sections 341, 354 and 294(b) of IPC.

2. It is alleged that on 16.1.2014, when the complainant was returning from her Tarawad house the petitioner wrongfully restrained her and assaulted her using obscene words.

3. The learned counsel for the petitioner submits that there was an earlier incident in respect of which crime no. 56/2014 was registered against the complainant and her sister Sheeba for offences under section 341 and 323 r/w 34 of IPC. It is to escape from that case this case has been registered, it is submitted. B.A. No. 708/2014 -2- 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.10,000/- (Rupees Ten thousand only) with two solvent sureties each for 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.A. No. 708/2014 -3- 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 till charge sheet is filed. 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 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 B.A. No. 708/2014 -4- evidence. e. 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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