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Saji Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1126558

Court : Kerala

Decided On : Feb-13-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Saji

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE13H DAY OF FEBRUARY201424TH MAGHA, 1935Q Bail Appl..No. 994 of 2014 () ---------- CRIME NO.114/2014 OF ENATHU POLICE STATION, PATHANAMTITTA ---------- PETITIONER/ACCUSED :- ---------- SAJI, AGED47YEARS VAYALIL VEEDU, AYINTHALA P.O, RANNI PATHANAMTHITTA BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL RESPONDNTS/COMPLAINANTS/STATE :- ---------- 1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM - 682 031.

2. THE SUB INSPECTOR, ENATHU POLICE STATION PATHANAMTHITTA DISTRICT - 689 645. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1302-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

---------- B.A. No.994 of 2014 ---------- Dated this the 13th day of February 2014

ORDER

Petitioner is the accused in Crime No.114/2014 of Enathu Police Station, Pathanamthitta District. The offences alleged against him are punishable under Secs.498A, 323 and 325 IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that on 20.1.2014 at about 3.30 PM the petitioner went to his wife's house. The wife was in that house. There was matrimonial dispute between the petitioner and his wife. The de facto complainant is the mother-in-law of the petitioner. She sustained injury when the petitioner pressed her neck from behind and beat her. In the course of the transaction, she sustained fracture to the tip of her right middle finger. When his wife reached there she was also pushed and beat by the petitioner.

3. Learned counsel for the petitioner submits that mediation talk is going on. The parties are likely to settle the matter. If the petitioner is sent to jail, that will affect the possibility of settlement. B.A. No.994 of 2014 -:

2. :- 4. Considering all the aspects the following directions are issued: The petitioner shall surrender before the Investigating Officer within seven 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 grant bail to the petitioner but on the following conditions: a. The accused shall execute a bond for Rs.20,000/- (Rupees Twenty 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. The accused shall make himself available for interrogation by the Investigating Officer and should appear before the Investigating Officer on all Mondays, Wednesdays and Fridays between 9.30 AM to 11.30 AM until further orders. c. The accused shall

produce 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. B.A. No.994 of 2014 -:

3. :- d. The accused will also file 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 evidence. e. The accused shall not leave the State of Kerala without permission of the court. 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, J UDGE. //True Copy// P.A. To Judge Jvt

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