

Rasheed K.K. Vs. State of Kerala Represented by the Public Prosecutor

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Court : Kerala

Decided On : Feb-14-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Rasheed K.K.

Respondent : State of Kerala Represented by the Public Prosecutor

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN FRIDAY,THE14H DAY OF FEBRUARY201425TH MAGHA, 1935 Bail Appl..No. 1035 of 2014 () ----- CRIME NO. 51/2014 OF KODUVALLY POLICE STATION, KOZHIKODE DISTRICT ----- PETITIONER : ----- RASHEED K.K., AGED44YEARS S/O.MOYIN, KACHERIKUNNUMMEL HOUSE, PARAPPARA KEEZHINOTH P.O., KOZHIKODE DISTRICT. BY ADV. SRI.LUIZ GODWIN D'COUTH RESPONDENT : ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SRI. DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1402-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn N.K. BALAKRISHNAN, J.

----- B.A. No. 1035 of 2014 (D)
----- Dated this the 14th day of February, 2014

ORDER

The petitioner is the accused in Crime No.51/2014 of Koduvally Police Station, Kozhikode District. Offences alleged are under sections 323, 341, 354 and 451 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that on 24.01.2014 at about 12.15 pm the accused trespassed into the residential house of the complainant and caught hold of her tuft and beat on her face and also outraged her modesty.

3. The learned counsel for the petitioner submits that there was a scuffle between the children of the petitioner and defacto complainant for pen and sweets distributed by the complainant's husband and with regard to the same there was a quarrel. The learned counsel submits that the allegations made in the F.I. Statement are not true. B.A. No. 1035/2014 -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, 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.25,000/- (Rupees Twenty Five 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. 1035/2014 -3- b. The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all Mondays and Fridays 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 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. 1035/2014 -4-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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