

Biju Cheriyan Vs. State

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Court : Kerala

Decided On : Feb-25-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Biju Cheriyan

Respondent : State

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN TUESDAY, THE 25TH DAY OF FEBRUARY 2014 6TH PHALGUNA, 1935 Bail Appl..No. 1289 of 2014 ()
----- CRIME NO. 159/2014 OF KULATHUPUZHA POLICE STATION , KOLLAM ACCUSED(S)/PETITIONER:
----- 1. BIJU CHERIYAN AGED 31 YEARS S/O.CHERIYAN, VENGALIL HOUSE, PALLIPPAD PO ALAPPUZHA DISTRICT, NOW RESIDING AT B-18, DDA FLATS SHIVAJI ENCLAVE, DELHI -27.

2. JOHN CHERIYAN AGED 38 YEARS S/O.CHERIYAN, VENGALIL HOUSE, PALLIPPAD PO ALAPPUZHA DISTRICT, NOW RESIDING AT HOUSE NO.133 B DDA FLATS, SHIVAJI ENCLAVE, DELHI-27.

3. ANNAMMA BIJOY AGED 45 YEARS D/O.CHERIYAN, VENGALIL HOUSE, PALLIPPAD PO ALAPPUZHA DISTRICT, NOW RESIDING AT D-42 TAGORE GARDEN EXT. DELHI -27 4. VARGHESE CHERIYAN @ BABU AGED 42 YEARS

S/O.CHERIYAN, VENGALIL HOUSE, PALLIPPAD PO ALAPPUZHA DISTRICT
BY ADVS.SRI.S.SANKARAN THAMPI SRI.V.MADHUSUDHANAN
SRI.S.MAHESWARAN THAMPY COMPLAINANT(S)/RESPONDENT & STATE:
----- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM682031.

2. THE STATION HOUSE OFFICER (CRIME NO. 159/2014, KULATHUPUZHA
POLICE STATION KOLLAM DISTRICT691310. R BY PUBLIC PROSECUTOR,
SRI. DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING
COME UP FOR ADMISSION ON2502-2014, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING: das N.K. BALAKRISHNAN, J.

----- B.A. No. 1289 of 2014 (A)
----- Dated this the 25th day of February, 2014

ORDER

Petitioners are accused in Crime No.159/2014 of Kulathupuzha Police Station,
Kollam District. The offence alleged is under section 498A r/w 34 of IPC.
Apprehending arrest, this petition is filed for anticipatory bail.

2. The 1st petitioner is the husband of the complainant. Other petitioners are the
brothers and sister of the 1st accused. It is alleged that the petitioners subjected
the complainant to physical and mental cruelty. It is stated that the complainant
was admitted in the hospital as she was brutally attacked by the petitioners.

3. The learned counsel for the petitioners submits that it was only a false allegation
and that she has not sustained injuries. B.A. No.1289/2014 (A) -2- 4. Considering
all the aspects the following directions are issued: The petitioners 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 petitioners but on the following conditions: a. The petitioners shall
execute a bond for Rs.20,000/- (Rupees Twenty thousand only) each 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.1289/2014 (A) -3- b. The petitioners shall make themselves available for interrogation by the Investigating Officer and the 1st petitioner shall appear before the Investigating Officer on all Mondays and Fridays between 9.30 AM to 11.30 AM until further orders. c. The petitioners shall surrender their original passports before the learned jurisdictional Magistrate. If they are not having any valid passport, they should file an affidavit regarding the same before the Magistrate. d. The petitioners will also file an affidavit that they will abide by all the conditions as mentioned above and that they 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 B.A. No.1289/2014 (A) -4- court or to any police officer or tamper with the evidence. e. The petitioners shall not leave India 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