

**Jayan D. Vs. the State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1130483](http://sooperkanoon.com/1130483)

**Court :** Kerala

**Decided On :** Feb-24-2014

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Jayan D.

**Respondent :** The State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN MONDAY, THE 24TH DAY OF FEBRUARY 2014 5TH PHALGUNA, 1935 Bail Appl..No. 8564 of 2013 (B) ----- CRIME NO. 1227/2013 OF NOORANADU POLICE STATION , ALAPPUZHA ACCUSED(S): ----- 1. SURESH KUMAR, AGED 35 YEARS, S/O. GOPALAKRISHNAN NAIR, KOCHUKIZHAKKATHIL, PULIMEL MURI NOORANADU VILLAGE, MAVELIKKARA.

2. RAJESH KUMAR, AGED 37 YEARS, S/O. GOPALAKRISHNAN NAIR, KOCHUKIZHAKKATHIL, PULIMEL MURI NOORANADU VILLAGE, MAVELIKKARA. BY ADV. SRI.D.AJITHKUMAR COMPLAINANT(S): ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-02-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- Dated this the 24th day of February, 2014

## ORDER

Petitioners are the accused in Crime No.1227/2013 of Nooranadu Police Station, Alappuzha District. Offences alleged are under sections 447, 324, 323 and 354 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that on 15.09.2013 at 4.30 pm, the petitioners trespassed into the property of the complainant and attacked him with iron rod. It is stated that the old lady who intervened sustained fracture and so section 326 of IPC has also been incorporated.

3. The learned counsel for the petitioners submits that, in fact, on that day the 1st petitioner's wife was attacked by the defacto complainant and she sustained serious injuries and she was admitted in the hospital. With B.A. No. 8564/2013 -2- regard to that incident, crime no.1226/2013 was registered, alleging almost similar offences.

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.25,000/- (Rupees Twenty Five 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 B.A. No. 8564/2013 -3- photo copies of the original title deeds of the sureties. b. The petitioners shall make themselves 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 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 B.A. No. 8564/2013 -4- him from disclosing such facts to the 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

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