

Palani Vs. State of Kerala

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Court : Kerala

Decided On : Mar-27-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Palani

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 27TH DAY OF MARCH 2014 6TH CHAITHRA, 1936 Bail Appl..No. 2142 of 2014 ()
----- CRIME NO. 94/2014 OF SANTHANPARA POLICE STATION ----- PETITIONERS/ACCUSED :- ----- 1. PALANI AGED 43 YEARS S/O.KALIYAPPAN, HOUSE NO.CP X/169 LAKSHMAVEEDU COLONY, CHINNAKKANAL KARA CHINNAKKANAL VILLAGE.

2. PAPPA, AGED 47 YEARS W/O.MUNIYANDY, DEEPA BHAVANAM, CHINNAKKANAL VILLAGE, CHINNAKKANAL VILLAGE.

3. MENNAMMA AGED 70 YEARS W/O.KALIYAPPAN, HOUSE NO.CP X/169, LAKSHMAVEEDU COLONY CHINNAKKANAL KARA, CHINNAKKANAL VILLAGE. BY ADV. SRI.BIJU .C. ABRAHAM RESPONDENT/COMPLAINANT(S) :- ----- STATE OF KERALA REPRESENTED BY THE SUB INSPECTOR OF POLICE SANTHANPARA POLICE STATION THROUGH

PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM-682 031. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-03-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

----- B.A. No.2142 of 2014 ----- Dated this the 27th day of March 2014

ORDER

Petitioners are the accused in Crime No.94/2014 of Santhanpara Police Station, Idukki District. The offences alleged against them are punishable under Secs.323, 324, 294(b) and 498A r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. First accused is the husband of the de facto complainant. Their marriage took place about 16 years above. The parties are residing in two separate houses constructed in an extent of 7 cents of land. The first petitioner (A1) and the de facto complainant are residing in one house.

3. Learned counsel for the petitioners submits that this complaint has been filed to pressurise A2 and A3 to execute document in respect of entire 7 cents of land in favour of the de facto complainant to which they were not B.A. No.2142 of 2014 -:

2. :- amenable.

4. Considering all the aspects the following directions are issued: The petitioners shall surrender before the Investigating Officer within 10 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 petitioners but on the following conditions: a. The accused shall execute a bond for 10,000/- (Rupees Ten 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. The first petitioner shall make

himself available for interrogation by the Investigating Officer and should appear before the Investigating Officer on alternate Wednesdays between 9.30 AM to 11.30 B.A. No.2142 of 2014 -:

3. :- AM until further orders. c. The first petitioner 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. d. The accused will also file 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 court or to any police officer or tamper with the 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. Jvt

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