

Manoj Vs. State of Kerala

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Court : Kerala

Decided On : Mar-27-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Manoj

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. 2129 of 2014 () ----- Bail Appl. 950/2014 of HIGH COURT OF KERALA DATED 12-02-2014 CRIME NO. 6/2014 OF KODUMON POLICE STATION ----- PETITIONER :- ----- MANOJ, AGED 27 YEARS S/O.CHANDRASEKHARAN NAIR, MATTATHETHU VEEDU PERINGANADU VILLAGE, PATHANAMTHITTA DIST BY ADV. SRI.K.K.SETHUKUMAR RESPONDENT :- ----- STATE OF KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM (CRIME NO 6 OF 2014 OF KODUMON POLICE STATION) 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.2129 of 2014 ----- Dated this
the 27th day of March 2014

ORDER

Petitioner is the 4th accused in Crime No.6/2014 of Kodumon Police Station. The offences alleged against him and other accused are punishable under Secs.143, 147, 451, 294(b), 323 and 379 r/w 149 of IPC. The learned Public Prosecutor submits that Sec.379 IPC was subsequently deleted. It appears that Sec.354 IPC was subsequently added. Apprehending arrest, this petition is filed for anticipatory bail.

2. The learned counsel for the petitioner submits that the mother of the de facto complainant was found dead in her room, which was locked from outside. It was stated that the death had taken place two days prior to the date when it was noticed. The complainant wanted to bury the body without having postmortem conducted. There was some altercations with regard to the same. According to the learned counsel, in order to cover up the misdeed of the complainant, this case has been foisted. Learned Public Prosecutor has opposed the said submission. It is also B.A. No.2129 of 2014 -:

2. :- submitted that other accused were already granted bail by this Court.

3. Considering all the aspects the following directions are issued: The petitioner 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 petitioner but on the following conditions: a. The accused shall execute a bond for 10,000/- (Rupees Ten 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 between 9.30 AM to 11.30 AM until further

orders. c. The accused shall produce his original passport before B.A. No.2129 of 2014 -:

3. :- 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 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 India 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, JUDGE. Jvt

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