

Shaiju Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1136847

Court : Kerala

Decided On : Apr-04-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Shaiju

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH FRIDAY,THE4H DAY OF APRIL201414TH CHAITHRA, 1936 Bail Appl..No. 2295 of 2014 ----- CRIME NO. 304/2014 OF CHADAYAMANAGALAM POLICE STATION , KOLLAM DISTRICT ----- PETITIONER/ACCUSED: ----- * SHAIJU, AGED37YEARS, S/O.THANKAPPAN, KUNNUMPURATHU VEEDU, KULAKKADA KIZHAKKU MURI, KULAKKADA VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT(CORRECTED). * PETITIONER'S ADDRESS IS CORRECTED AS VAYYANAM (P.O), ITTIVA VILLAGE, KOTTARAKKARA TALUK, KOLLAM DISTRICT. * VIDE

ORDER

DATED0404-2014 IN C.M.APPL.NO.3263 OF 2014 BY ADV. SRI.K.V.ANIL KUMAR RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTD BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT.LALIZA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/04/2014,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. THOMAS
P. JOSEPH. J.

===== Bail Application No. 2295 of 2014
===== Dated this the 4th day of April, 2014

ORDER

Petitioner is accused in Crime No.304 of 2014 of the Chadayamangalam police station for the offences punishable under Secs.294(b), 323, 324 and 308 of the Penal Code, apprehends arrest and has filed this application.

2. Application is opposed. It submitted that on 07.03.2014 at about 08:00 p.m. the petitioner attacked the de facto complainant with a knife in the hall of house of the petitioner. The petitioner had borrowed Rs. 1,000/- from the de facto complainant and when the de facto complainant sought repayment, the petitioner asked the de facto complainant to come to his house where the aunt of the petitioner was told about the transactions which the petitioner did not like and thereon, he stabbed the de facto complainant with a knife. B.A. NO.2295 of 2014 2 3. Learned counsel submits that the allegations are not true. There was dispute between the petitioner and the de facto complainant regarding money transaction and on the relevant day and time, the de facto complainant trespassed into his house and attacked the petitioner with a knife. He kicked wife of the petitioner who had delivered a child about 33 days back. She was admitted in a hospital and treated as inpatient.

4. It is revealed that the knife is recovered from the scene of occurrence which is house of the petitioner. Under what circumstances the de facto complainant went there is a matter for investigation and for the court concerned to decide. Petitioner has produced Annexure - A1, wound certificate of his wife which shows that she was examined by the Medical Officer on 07.03.2014 at 10:45 p.m. She complained that she was attacked with knife by a person who trespassed into her house. She had contusion on the B.A. NO.2295 of 2014 3 cheek and abrasion on the right hand. She also had complaint of severe pain.

4. Having regard to the above circumstances, including that the incident happened in the house of the petitioner, I am inclined to grant relief. Application is allowed as under:

1. Petitioner shall surrender before the officer investigating Crime No.304 of 2014 of the Chadayamangalam police station on 11.04.2014 at 10:00 a.m. for interrogation. 2) In case interrogation is not completed that day, the said officer can direct the petitioner to appear before him on any other date/dates and time which he shall comply. 3) Petitioner shall co-operate with the investigation of the case. 4) In case the petitioner is arrested, he shall be produced before the jurisdictional magistrate the same day. 5) On such production the petitioner shall be released on bail, (if not required to be detained otherwise) on his B.A. NO.2295 of 2014 4 executing bond for Rs.25,000/- (Rupees Twenty five thousand only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions:- a) One of the sureties shall be a close relative of the petitioner. b) Petitioner shall report to the SHO, Kadakkal police station on every alternate Saturdays between 10:00 a.m. and 12:00 p.m. until filing of the final report or for two months, whichever is earlier. c) Petitioner shall report to the investigating officer as and when required for interrogation. d) Except if necessary for compliance of conditions Nos. (b) and (c), the petitioner shall not until otherwise ordered and except with the permission of the jurisdictional magistrate (until committal if any and thereafter, of the learned Principal Sessions Judge concerned) enter Vayyanam Kara unless it is to attend any court. e) Petitioner shall not intimidate/influence the witnesses. B.A. NO.2295 of 2014 5 f) Petitioner shall not, during the period of this bail get involved in any offence. g) In case of violation of any of conditions Nos. (b) to (f), it is open to the Investigating Officer to seek cancellation of the bail granted hereby by moving application before the learned magistrate/ Principal Sessions Judge as aforesaid as held in P.K. Shaji V. State of Kerala (AIR2006 Supreme Court 100). Sd/- THOMAS P.JOSEPH, JUDGE
//true copy// P.A. to Judge smv