

**Jayan Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Apr-02-2014

**Judge :** Honourable Mr.Justice N.K.Balakrishnan

**Appellant :** Jayan

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN WEDNESDAY, THE 2D DAY OF APRIL 2014 12TH CHAITHRA, 1936 Bail Appl..No. 2104 of 2014 (C) ----- CRIME NO. 318/2014 OF MAVELIKKARA POLICE STATION , ALAPPUZHA ACCUSED(S)/PETITIONERS: ----- 1. JAYAN AGED 30 YEARS S/O.M.C.KUNJUMON, CHIRAMODIYIL, KODUKULANJI KARODE, CHENGANNUR TALUK, ALAPPUZHA DISTRICT.

2. SURESH KUMAR AGED 38 YEARS S/O.RAGHAVAN, ALAMPELLITHARAYIL PERISSERI, PULIYOOR VILLAGE, CHENGANNUR TALUK ALAPPUZHA DISTRICT. BY ADVS.SRI.R.PADMAKUMAR SRI.P.ARAVIND COMPLAINANT(S)/RESPONDENTS/STATE:

----- 1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM PIN - 682 031.

2. SUB INSPECTOR OF POLICE MAVELIKKARA POLICE STATION, MAVELIKKARA PIN - 690 101. BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/04/2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 2104 of 2014 (C)  
----- Dated this the 2nd day of April, 2014

## ORDER

Petitioners are A2 and A3 in Crime No.318/2014 of Mavelikkara Police Station, Alappuzha District. Offences alleged are under sections 324 and 308 r/w 34 of IPC and section 27 of Indian Arms Act. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that on 5.3.2014 at 10.00 pm, the accused persons attacked the defacto complainant with sword stick and other deadly weapons and the 1st accused inflicted a cut injury on the head of the complainant. As against the 2nd accused, it is stated the he (A2) beat the complainant with iron rod on the head and left hand and thus caused injuries. The allegation against the 3rd accused is that he beat the complainant. B.A. No.2104/2014 (C) -2- 3. The learned counsel for the petitioners submits that, in fact, the 1st petitioner was attacked by the other group and he had sustained serious injuries. In support of that submission, discharge certificate issued from the District Hospital, Mavelikara, C.T. Scan report and another certificate have been produced. From the discharge certificate issued from the District Hospital, it is seen that the 1st petitioner had sustained head injury allegedly in an incident which took place on 5.3.2014 at 10.30 pm.

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: B.A. No.2104/2014 (C) -3- 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 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 B.A. No.2104/2014 (C) -4- 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 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. B.A. No.2104/2014 (C) -5- 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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