

V. Babu Vs. State of Kerala

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Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : V. Babu

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. 1839 of 2014 (D) ----- AGAINST THE

ORDER

IN CMP4622014 of SESSIONS COURT, KOLLAM DATED 24-02-2014 CRIME NO. 265/2014 OF KILIKOLLOOR POLICE STATION , KOLLAM ACCUSED(S)/APPLICANT/ACCUSED NO.1:

----- V. BABU AGED 56 YEARS S/O VELU, UPPADATHUKZIAHKKATHIL, KANNIMELCHERRY KILLIKOLLOOR P.O., KOLLAM. BY ADVS.SRI.THOMAS J.ANAKKALLUNKAL SRI.P.VIJAYA BHANU (SR.) COMPLAINANT(S)/RESPONDENT/COMPLAINANT:

----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682 031. BY PUBLIC PROSECUTOR SRI.DHANESH

MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0204-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 1839 of 2014 (D)
----- Dated this the 2nd day of April, 2014

ORDER

The petitioner is one of the accused in Crime No.265/2014 of Kilikolloor Police Station, Kollam District. Offences alleged are under sections 323 and 326 r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that on 12.02.2014 at about 10.15 am, this petitioner along with co-accused attacked the defacto complainant and caused grievous hurt to the complainant. The allegation is that the other accused attempted to hit at the head of the defacto complainant with an iron block. It was warded off by the complainant and in that process he sustained fracture to his wrist bone.

3. The learned counsel for the petitioner submits that the said act of causing grievous hurt to the complainant was B.A. No. 1839/2014 (D) -2- done by the other accused. He is absconding. The petitioner was totally unaware of the fact that the other accused would take out the iron block and hit at the accused to cause grievous hurt. But, at the same time, if the common intention can be established then the petitioner cannot escape from the liability, the learned Public Prosecutor submits.

4. Considering all the aspects the following directions are issued: The petitioner 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 petitioner but on the following conditions: a. The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for B.A. No. 1839/2014 (D) -3- 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 petitioner shall make himself 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 petitioner shall surrender 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 petitioner will also file an affidavit that he will abide by all the conditions B.A. No. 1839/2014 (D) -4- 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 petitioner 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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