

Santhosh Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Apr-02-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Santhosh Kumar

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. 2275 of 2014 () ----- CRIME NO. 43/2014 OF SREEKANDAPURAM POLICE STATION , KANNUR DISTRICT ACCUSED(S)/PETITIONERS/ACCUSED: ----- 1. SANTHOSH KUMAR AGED 39 YEARS S/O.KUMAR, PANCHARATHIL PUTHENVEEDU, VAZHUVADI MAVELIKKARA P.O, ALAPPUZHA DISTRICT 2 KAMALAMMA AGED 60 YEARS W/O.KUMAR, PANCHARATHIL PUTHENVEEDU, VAZHUVADI MAVELIKKARA P.O, ALAPPUZHA DISTRICT 3 VINOD KUMAR, AGED 35 YEARS S/O.KUMAR, PANCHARATHIL PUTHENVEEDU, VAZHUVADI MAVELIKKARA P.O, ALAPPUZHA DISTRICT BY ADV. SMT.ASHA ELIZABETH MATHEW COMPLAINANT(S)/RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON0204-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 2275 of 2014 (D)
----- Dated this the 2nd day of April, 2014

ORDER

Petitioners are accused in Crime No.43/2014 of Sreekandapuram Police Station, Kannur District. The offence alleged is under section 498A r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. The 1st petitioner is the husband of the defacto complainant. The 2nd petitioner is the mother and the 3rd petitioner is the brother of the 1st petitioner. It is alleged that the petitioners subjected the defacto complainant to physical and mental cruelty.

3. The allegations are not true, the learned counsel for the petitioners submits.

4. Considering all the aspects the following directions are issued: B.A. No. 2275/2014 (D) -2- 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: 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. B.A. No. 2275/2014 (D) -3- c. The petitioners shall surrender their original passports before the learned jurisdictional Magistrate. If they are 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. 2275/2014 (D) -4- 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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