

**Noushad Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1136859](http://sooperkanoon.com/1136859)

**Court :** Kerala

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

**Judge :** Honourable Mr.Justice K.Surendra Mohan

**Appellant :** Noushad

**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. 2301 of 2014 (C) ----- AGAINST THE

ORDER

IN CRMC5192014 of SESSIONS COURT, THIRUVANANTHAPURAM DATED 2003-2014 CRIME NO. 145/2014 OF VITHURA POLICE STATION , THIRUVANANTHAPURAM ACCUSED(S)/PETITIONER:

----- NOUSHAD AGED 41 YEARS S/O. THAJUDEEN, LINSHAD MANZIL, THEVANPARA THOLICODE PO, NEDUMANGAD, THIRUVANANTHAPURAM DISTRICT BY ADV. SRI.LATHEESH SEBASTIAN COMPLAINANT(S)/STATE: ----- 1. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM 2 THE SUB INSPECTOR OF POLICE VITHURA POLICE STATION, THIRUVANANTHAPURAM DISTRICT 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. 2301 of 2014 (C)  
----- Dated this the 2nd day of April, 2014

## ORDER

The petitioner is the 1st accused in Crime No.145/2014 of Vithura Police Station, Thiruvananthapuram District. Offences alleged are under sections 447, 323, 324 and 326 r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that on 19.2.2014, the accused persons trespassed into the compound of the complainant. There was dispute with regard to right of way. With regard to the same there was altercation. During that altercation, this petitioner and other accused inflicted injuries.

3. It is seen that it is the 2nd accused who caused grievous hurt to the child who was with his mother. It is stated that this petitioner caused hurt by biting the complainant. Though there is serious allegation of causing B.A. No. 2301/2014 (C) -2- grievous hurt to a child, that is against the 2nd accused and that may be the reason why he did not apply for anticipatory bail, 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.25,000/- (Rupees Twenty Five 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 B.A. No. 2301/2014 (C) -3-

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 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 B.A. No. 2301/2014 (C) -4- 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. It is made clear that this Order shall not be made use of by the 2nd accused for claiming bail. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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