

Abu Vs. State of Kerala

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Court : Kerala

Decided On : Apr-03-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Abu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 3D DAY OF APRIL 2014 13TH CHAITHRA, 1936 Bail Appl..No. 2120 of 2014 (D) ----- AGAINST THE

ORDER

IN CMP2902014 of J.M.F.C, MANANTHAVADY DATED 04-02-2014 AGAINST THE

ORDER

IN Bail Appl. 1107/2014 of HIGH COURT OF KERALA DATED 20-02-2014 CRIME NO. 36/2014 OF VELLAMUNDA POLICE STATION , WAYANAD PETITIONER(S)/PETITIONER/ACCUSED:

----- ABU, AGED 28 YEARS
S/O.ABDULLA, KOMBI (PONNACHAN) HOUSE, PULIKKAD PORUNNANNUR,
WAYANADU DISTRICT. BY ADV. SRI.JESWIN P.VARGHESE
RESPONDENT(S)/RESPONDENT/COMPLAINANT:

----- STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM, PIN-682031. BY PUBLIC PROSECUTOR SRI.DHANESH
MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON0304-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 2120 of 2014 (D)
----- Dated this the 3rd day of April, 2014

ORDER

The petitioner is the accused in Crime No.36/2014 of Vellamunda Police Station, Wayanad District. Offences alleged are under sections 450, 323, 376 and 506(ii) of IPC.

2. The petitioner has been in custody since 03.02.2014.

3. It is alleged that on 04.10.2013 at 10.30 pm the accused committed trespass into the residential house of the complainant and he caused criminal intimidation to the complainant and her daughter that they would be killed and that nude photos of the complainant had been taken and that it will be shown to her husband. When the complainant attempted to resist the petitioner, he beat the complainant and she was forcibly taken to the middle room of her house and from there he had sexual intercourse with her. B.A. No. 2120/2014 (D) -2- 4. Considering the period of detention already undergone by the petitioner and in view of the submission made on behalf of the petitioner that he will abide by any condition that may be imposed on him, the petitioner is granted bail subject to the following conditions: (i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty 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 sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. (ii) The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all B.A.

No. 2120/2014 (D) -3- Mondays between 9.30 AM to 11.30 AM until further orders. (iii) The petitioner shall surrender his original passport before the learned Magistrate. If he is not having any valid passport, he should file an affidavit regarding the same before the Magistrate. (iv) 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 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. (v) The petitioner shall not leave India without the prior permission of the learned Magistrate. B.A. No. 2120/2014 (D) -4- (vi) The learned Magistrate will also ensure the identity of the sureties by insisting production of electoral photo identity cards/Driving licence etc. The passport will be produced and/or the affidavit mentioned earlier will be filed within 10 days from the date of release from jail. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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