

Sureshkumar Vs. the Sub Inspector of Police

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Court : Kerala

Decided On : Apr-01-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Sureshkumar

Respondent : The Sub Inspector of Police

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN TUESDAY, THE 11TH DAY OF APRIL 2014 11TH CHAITHRA, 1936 Bail Appl..No. 2010 of 2014 (A) ----- CRIME NO.357/2014 OF KOZHENCHERRY POLICE STATION, PATHANAMTHITTA DISTRICT ACCUSED(S)/PETITIONER: ----- SURESHKUMAR AGED 33 YEARS S/O.RAMAKRISHNAN, ANJUMARUTHIYIL VEEDU, VADAKKUMPURAM MALAYALAPUZHA VILLAGE, KOZHENCHERRY TALUK BY ADVS.SRI.SUNNY MATHEW SRI.C.C.ANOOP COMPLAINANT(S)/RESPONDENTS: ----- 1. THE SUB INSPECTOR OF POLICE KOZHENCHERRY POLICE STATION, PATHANAMTHITTA DIST PIN-689645 2. THE CIRCLE INSPECTOR OF POLICE KOZHENCHERRY, -689645 3. STATE OF KERALA REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA - 682031 BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 01-04-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

----- B.A. No. 2010 of 2014 (A)
----- Dated this the 1st day of April, 2014

ORDER

The petitioner is the accused in Crime No.357/2014 of Kozhencherry Police Station, Pathanamthitta District. The offence alleged is under section 307 of IPC.

2. The petitioner was arrested and he has been in custody since 6.3.2014.

3. The allegation is that on 25.02.2014 at 5.00 pm, due to his suspicion as to the illicit connection which his wife had with an autorikshaw driver, he attacked his wife with a chopper and attempted to cause her murder.

4. The learned counsel for the petitioner submits that section 307 of IPC has been introduced only to deny bail to the petitioner. The wound certificate shows that the victim had sustained lacerated wound on the scalp, neck and elbow. B.A. No. 2010/2014 (A) -2- 5. 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.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 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. 2010/2014 (A) -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. 2010/2014 (A) -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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