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James Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1136920

Court : Kerala

Decided On : Apr-01-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : James

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN TUESDAY, THE1T DAY OF APRIL201411TH CHAITHRA, 1936 Bail Appl..No. 2250 of 2014 (A) ---------- CRIME NO. 587/2014 OF OLLUR POLICE STATION , TRISSUR PETITIONER(S)/APPLICANTS: ---------- 1. JAMES AGED33YEARS S/O.JOSE, PADIKKAL HOUSE, OLLUR VILLAGE THRISSUR TALUK.

2. JOSE AGED62YEARS (CORRECTED TO 'JOSE' FROM 'JAMES') S/O.CHAKUNNI, PADIKKAL HOUSE, OLLUR VILLAGE THRISSUR TALUK.

3. TREESA AGED56YEARS W/O.JOSE, PADIKKAL HOUSE, OLLUR VILLAGE THRISSUR TALUK.

4. BESSY AGED28YEARS D/O.JOSE, PADIKKAL HOUSE, OLLUR VILLAGE THRISSUR TALUK. (NAME OF2D PETITIONER CORRECTED TO 'JOSE' FROM 'JAMES' AS PER

ORDER

IN CRL.M.A.3099/2014 DATED0104.2014) BY ADVS.SRI.P.VIJAYA BHANU (SR.) SRI.THOMAS J.ANAKKALLUNKAL SRI.VIPIN NARAYAN RESPONDENT(S)/RESPONDENT: ---------- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON0104-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: JJJ N.K. BALAKRISHNAN, J.

---------- B.A. No. 2250 of 2014 ---------- Dated this the day of April, 2014

ORDER

Petitioners are the accused in Crime No.587/2014 of Ollur Police Station, Thrissur District. Offences alleged are under sections 323, 406, 498A and 506(ii) r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. The 1st accused is the husband of the defacto complainant. Accused 2 and 3 are the father and mother and 4th accused is the sister of the 1st accused. It is alleged that the accused persons misappropriated the gold and money given to the complainant at the time of marriage and also subjected the defacto complainant to physical and mental cruelty.

3. The allegations are not true, the learned counsel for the petitioners submits. B.A. No. 2250/2014 -2- 4. Considering all the aspects the following directions are issued: 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.A. No. 2250/2014 -3- b. The petitioners shall make themselves available for interrogation by the Investigating Officer and the 1st petitioner shall appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further orders. 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 B.A. No. 2250/2014 -4- 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. 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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