

Alex Vs. State of Kerala

Alex Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1142637

Court : Kerala

Decided On : May-29-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Alex

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 29^H DAY OF MAY 2014 8TH JYAISHTA, 1936 Bail Appl..No. 3678 of 2014 ----- CRIME NO. 388/2014 OF ENATHU POLICE STATION , PATHANAMTHITTA DISTRICT ----- PETITIONER/ACCUSED: ----- ALEX, AGED 31 YEARS, S/O. THANKACAHN, KALLUVILAYIL, THOIPPADU, PATHANAMTHITTA. BY ADV. SRI.SYAM J SAM RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.05-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Msd. N.K. BALAKRISHNAN, J.

----- B.A. No. 3678 of 2014 -----
----- Dated this the 29th day of May, 2014 -----

ORDER

The petitioner is the accused in Crime No.388/2014 of Enathu Police Station, Pathanamthitta District. Offences alleged are under sections 324, 323, 294(b) and 354 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that there was a boundary dispute between the petitioner and the complainant and so the petitioner had animosity towards the complainant and because of that on 2.4.2014 at 12.30 noon when the complainant was walking along the road situated by the side of her house, the accused, who was riding a motor cycle, hit the complainant with intent to cause injury; as a result of which she fell down and then the accused abused her using obscene words and pulled her tuft. B.A. No. 3678/2014 -2- 3. The learned counsel for the petitioner submits that the allegations are not true. Same was the version given by her to the doctor.

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. 3678/2014 -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.

3678/2014 -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. g. The petitioner shall not directly or indirectly contact the complainant nor shall he enter anywhere near the complainant's house. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com