

Maneesh Vs. the State of Kerala

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Court : Kerala

Decided On : May-30-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Maneesh

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN FRIDAY, THE 30TH DAY OF MAY 2014 9TH JYAISHTA, 1936 Bail Appl..No. 3731 of 2014 ()
----- CRIME NO. 218/2014 OF UPPUTHARA POLICE STATION, IDUKKI DISTRICT. PETITIONER/ACCUSED: ----- MANEESH, AGED 35 YEARS, S/O.VISWAMBHARAN, MUKALAYIL, MATTUKATTA, AYYAPPAN COVIL P.O., IDUKKI DISTRICT. BY ADVS.SRI.T.A.UNNIKRISHNAN, SRI.K.S.PRAVEEN.
RESPONDENT/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING SUB INSPECTOR OF POLICE, UPPUTHARA. BY PUBLIC PROSECUTOR MR.RAJESH VIJAYAN. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-05-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. N.K. BALAKRISHNAN, J.

----- B.A. No. 3731 of 2014
----- Dated this the 30th day of May, 2014

ORDER

The petitioner is the accused in Crime No.218/2014 of Upputhara Police Station, Idukki District. Offences alleged are under sections 354 and 452 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. It is alleged that on 20.5.2014 at 9.00 am the petitioner went to the house of the defacto complainant for delivering the dining table which was taken in an autorickshaw. It was delivered. It is alleged that when the defacto complainant went inside, the accused caught hold of the complainant.

3. The allegations are absolutely false, the learned counsel for the petitioner submits. It is stated that on the previous day an almirah was delivered, the price of which B.A. No. 3731/2014 -2- was to be paid when the dining table was delivered. But the price was not given stating that there was some damage in the almirah and so the complainant told that he has to take back the dining table. However, it was not taken back.

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 B.A. No. 3731/2014 -3- 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. The petitioner shall make himself available for interrogation by the Investigating Officer. 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 person acquainted with the facts of the case so as to dissuade him from B.A. No. 3731/2014 -4- 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. Sd/- N.K. BALAKRISHNAN, JUDGE //True Copy// P.A. to Judge jjj

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