

Satheeshkumar Vs. State of Kerala

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Court : Kerala

Decided On : May-30-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Satheeshkumar

Respondent : 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. 3735 of 2014 ----- CRIME NO. 142/2014 OF PERUMPETTY POLICE STATION , PATHANAMTITTA ----- PETITIONER(S)/ACCUSED 1 & 2: ----- 1. SATHEESHKUMAR, AGED 32 YEARS THANNIKKUZHIYIL, KOTTANAD P.O.

2. OMANAYAMMA, AGED 70 YEARS, THANNIKKUZHIYIL, KOTTANAD P.O. BY ADVS.SRI.T.P.PRADEEP SRI.P.K.SATHEES KUMAR RESPONDENT(S)/COMPLAINANT: ----- STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-05-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ N.K. BALAKRISHNAN, J.

----- Dated this the 30th day of May, 2014

ORDER

Petitioners are accused in Crime No.142/2014 of Perumpetty Police Station, Pathanamthitta District. Offences alleged are under sections 323, 324 and 498A r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. The 1st petitioner is the husband of the complainant. The 2nd petitioner is the mother of the 1st petitioner. It is alleged that the accused persons subjected the defacto complainant to physical and mental cruelty. It is also alleged that the 1st accused beat the complainant and inflicted injury with weapon and also bit on her back.

3. The learned counsel for the petitioners submits that the complainant beat the 2nd petitioner with a wood and caused injury on the back of the head of the 2nd petitioner B.A. No.3735/2014 -2- and that this case has been filed as a defense to that case.

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 B.A. No.3735/2014 -3- of the sureties. 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 B.A. No.3735/2014 -4- him from disclosing such facts to the 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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