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

Visakh Vs. State of Kerala

Visakh Vs. State of Kerala

SooperKanoon Citation : sooperkanoon.com/1143440

Court : Kerala

Decided On : Jun-02-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Visakh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN MONDAY,THE2D DAY OF JUNE201412TH JYAISHTA, 1936 Bail Appl..No. 3770 of 2014 () ---------- CRIME NO. 1827/2013 OF OCHIRA POLICE STATION , KOLLAM DISTRICT ---------- PETITIONER/3RD ACCUSED(IN CUSTODY) : ---------- VISAKH, AGED27YEARS, S/O.VISWAMBHARAN, THANAL HOUSE, NJAKKANAL MURI, OACHIRA, KARUNAGAPALLY,KOLLAM DISTRICT. BY ADV. SMT.G.VIDYA RESPONDENT/COMPLAINANT: ---------- 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 ON0206-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts N.K. BALAKRISHNAN, J.

---------- B.A. No. 3770 of 2014 ---------- Dated this the 2nd day of June, 2014

ORDER

The petitioner is the 3rd accused in Crime No.1827/2013 of Oachira Police Station, Kollam District. Offences alleged are under sections 447, 427, 324 and 308 r/w 34 of IPC.

2. The petitioner was arrested on 2.5.2014. He somehow escaped from police custody. So, crime was registered against him as Crime No.770/2014 under section 225B of IPC. Thereafter, he was arrested on 5.5.2014 and since then he is in police custody.

3. The learned counsel for the petitioner submits that other accused persons were already granted bail and only because this petitioner escaped from police custody, he has been in remand. B.A. No. 3770 of 2014 -2- 4. The fact that he escaped from police custody after he was arrested in connection with a serious crime, cannot be view lightly.

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.50,000/- (Rupees Fifty 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. B.A. No. 3770 of 2014 -3- (ii) The petitioner shall make himself available for interrogation by the Investigating Officer and shall appear before the Investigating Officer on all 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 B.A. No. 3770 of 2014 -4- evidence. (v) The petitioner shall not leave India without the prior permission of the learned Magistrate. (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

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