

Jayan Vs. State of Kerala

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Court : Kerala

Decided On : Jun-04-2014

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Jayan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH WEDNESDAY, THE 4TH DAY OF JUNE 2014 14TH JYASHTA, 1936 Bail Appl..No. 2943 of 2014 ()
----- CRIME NO. 934/2013 OF NOORANADU POLICE STATION , ALAPPUZHA PETITIONER/ 3rd ACCUSED: ----- JAYAN AGED 35 YEARS S/O.VELUTHAKUNJU, ELLUVILA VADAKKETHIL MUTHUKKATTUKARA MURI, PALAMMEL, ALAPPUZHA BY ADV. SRI.MANU ROY RESPONDENTS: ----- 1. STATE OF KERALA REP BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA 2 THE STATION HOUSE OFFICER NOORANAD POLICE STATION BY PUBLIC PROSECUTOR: ADV. LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04-06-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A.No.2943 of 2014
===== Dated this the 04th day of June, 2014

ORDER

Petitioner is the third accused in Crime No.934 of 2013 of the Nooranad Police Station for the offences punishable under Secs.341, 323, 324, 308 and 506(i) r/w Sec.34 of the Indian Penal Code, apprehends arrest and has filed this application.

2. Learned Public Prosecutor has submitted that the petitioner was absconding and a final report was filed in the Judicial First Class Magistrate Court-II, Mavelikkara. Learned magistrate has taken the case on file as C.P.No.100 of 2013.

3. Learned counsel submits that the allegations against the petitioner are not true. It is submitted that allegation against the petitioner is only that he assaulted the de facto complainant with hand. It is not correct to say that the petitioner was absconding.

4. Having regard to the fact that custodial interrogation of the petitioner is not required, I am inclined to grant relief but subject to conditions. Resultantly this application is disposed of as under: (i) Petitioner is granted bail in Crime No.934 of 2013 of the Nooranad Police Station (C.P.No.100 of 2013 of the Judicial First Class B.A.No.2943 of 2014 2 Magistrate Court-II, Mavelikkara). (ii) Petitioner shall surrender before the learned Judicial First Class Magistrate, Mavelikkara on or before 12.06.2014. (ii) On such surrender the petitioner shall be released on bail (if not required to be detained otherwise) on his executing bond for `20,000/- (Rupees Twenty Thousand Only) with two sureties for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: (a) One of the sureties shall be a close relative of the petitioner. (b) Petitioner shall surrender his passport before the learned magistrate while executing the bail bond and in case he has none, file affidavit to that effect. (c) Petitioner shall report to the officer who has investigated the case if and when required for investigation. (d) Petitioner shall not get involved in any offence during the period of this bail. (e) Petitioner shall not intimidate or influence the witnesses. (f) In case the petitioner violates any of condition Nos.(c) to (e), it is open to the investigating officer to move the learned magistrate (until committal if any, and thereafter B.A.No.2943 of

2014 3 before the learned Principal Sessions Judge concerned) for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. (f) In case the petitioner surrenders the passport as aforesaid and it is required to be returned for any purpose, application for the same may be preferred before the learned magistrate/Principal Sessions Judge as aforesaid. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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