

Shafeeque Vs. State of Kerala

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Court : Kerala

Decided On : Jun-05-2014

Judge : Honourable Mr.Justice N.K.Balakrishnan

Appellant : Shafeeque

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE N.K.BALAKRISHNAN THURSDAY, THE 5TH DAY OF JUNE 2014 15TH JYAISHTA, 1936 Bail Appl..No. 3164 of 2014 ()
----- CRIME NO. 315/2014 OF KOYILANDY POLICE STATION, KOZHIKODE ----- PETITIONER(S)/ACCUSED NO.1 :-
----- SHAFEEQUE, AGED 31 YEARS S/O. ABOOBACKER, NADUVILAKKANDI, MOODADI QUILANDY (VIA), KOZHIKODE. BY ADV. SMT.R.VIJAYAKUMARI RESPONDENT(S)/COMPLAINANT :-
----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31. BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0506-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: jvt N.K.BALAKRISHNAN, J.

----- B.A. No.3164 of 2014 ----- Dated this the 5th day of June 2014

ORDER

Petitioner is the first accused in Crime No.315/2014 of Quilandy Police Station. The offences alleged against him and other accused are punishable under Secs.498A, 406, 506(i) and 376 r/w 34 of IPC. Apprehending arrest, this petition is filed for anticipatory bail.

2. 2nd accused therein is the father of the first accused. First accused is the husband of the de facto complainant. The offence under Sec.376 IPC is alleged against the 2nd accused, who is an HIV patient. After that incident the dispute arose. The allegation is that this petitioner also subjected the complainant to cruelty and that he had appropriated money given at the time of marriage and also demanded more dowry.

3. The allegations are absolutely false, the learned counsel for the petitioner submits.

4. Considering all the aspects the following directions B.A. No.3164 of 2014 -:

2. :- are issued: The petitioner shall surrender before the Investigating Officer within 10 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 grant bail to the petitioner but on the following conditions: a. The accused shall execute a bond for 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 sureties, the learned Magistrate can insist for production of the attested photo copies of the original title deeds of the sureties. b. The accused shall make himself available for interrogation by the Investigating Officer and should appear before the Investigating Officer on all Mondays between 9.30 AM to 11.30 AM until further orders. c. The accused shall produce 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 accused will also file affidavit that he will abide B.A.

No.3164 of 2014 -:

3. :- 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 evidence. e. The accused shall not leave India without permission of the court. 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 Jvt

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