

Jacob@Jimmichan vs State of Kerala

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Court : Kerala

Decided On : Apr-28-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./2969/2023

Appellant : Jacob@Jimmichan

Respondent : State of Kerala

Judgement :

BA. NO. 2969 OF 2023 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945 BAIL
APPL. NO. 2969 OF 2023 CRIME NO.249/2023 OF KARIMANNOOR
POLICE STATION PETITIONER/ACCUSED: JACOB@JIMMICHAN
AGED 57 YEARS S/O MANI, VARIKATTU HOUSE, CHILAVU P.O
KARIMANNOOR VILLAGE THODUPUZHA, PIN - 685588 BY ADV
K.REEHA KHADER RESPONDENTS: STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031 BY SMT.SEETHA.S.-SR.PUBLIC PROECUTOR
THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: BA. NO. 2969 OF 2023 2

ORDER

The petitioner is the accused in Crime No.249/2023 of Karimannoor Police Station. The offences alleged against the petitioner are punishable under Sections 188 and 323 of IPC and also under Section 31(1) of Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act').

2. The de facto complainant is the former wife of the petitioner.

The allegation against the petitioner is that while a protection order passed by the jurisdictional Court under the provisions of the DV Act was in force, in violation of the same, the petitioner assaulted the de facto complainant on 5.4.2023 at 5 pm. The crime was registered in such circumstances and this application for anticipatory bail is submitted as he apprehends arrest in connection with the investigation of the said crime.

3. Heard Smt.Reeha Khader, the learned counsel for the petitioner and Smt.S.Seetha, the learned Senior Public Prosecutor.

4. The learned counsel for the petitioner submits that the petitioner is

innocent of all the allegations and he was falsely implicated in the said BA. NO. 2969 OF 2023 3 case on account of certain matrimonial disputes between the parties. The petitioner further submits that he is prepared to abide any conditions that may be imposed by this Court and co-operate with the investigation.

5. On the other hand the learned Public Prosecutor would oppose the application for bail.

6. I have gone through the records. It is seen that no serious

injuries were sustained by the de facto complainant. There is no criminal antecedents for the petitioner. The dispute appears to be stemmed up from some matrimonial disputes. Considering the entire facts and circumstances of the case, I

do not find any necessity of custodial interrogation of the petitioner. In the facts and circumstances of the case, I am of the view that the interest of justice would be served if the co-operation of the petitioner with the investigation is ensured. In the result, the application is disposed of on the following conditions:-

i) The petitioner shall surrender before the Investigating Officer, within a period of two weeks from today, for subjecting himself to interrogation. ii) After interrogation, the petitioner shall be BA. NO. 2969 OF 2023 4

released on bail on the very same day of surrender upon the petitioner executing a bond for Rs 1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum, to the satisfaction of the Investigating Officer iii) The petitioner shall fully co-operate with the investigation, including subjecting himself to the deemed police custody for the purpose of recovery, if any, as and when demanded. iv) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m every Saturday until the filing of the final report. v) The petitioner shall appear before the Investigating Officer as and when required. vi) The petitioner shall not commit any offence of similar nature while on bail. vii) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. viii) The petitioner shall not leave the State of Kerala without the permission of the Jurisdictional Court.

BA. NO. 2969 OF 2023 5 In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A. JUDGE ab

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