

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

FRIDAY, THE 26TH DAY OF DECEMBER 2014/5TH POUSHA, 1936

Bail Appl..No. 8537 of 2014 ()

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CRIME NO. 1759/2014 OF NEYYATTINKARA POLICE STATION,
THIRUVANANTHAPURAM DISTRICT.
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PETITIONERS/ACCUSED :

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- 1. SABU, S/O. RAVEENDRAN,
AGED 25 YEARS, RESIDING AT SABU BHAVAN,
PONGIL, MULLUVILA P.O., NEYYATTINKARA.**
 - 2. RAVEENDRAN, S/O. VASU,
AGED 62 YEARS, RESIDING AT SABU BHAVAN,
PONGIL, MULLUVILA P.O., NEYYATTINKARA.**
 - 3. SAROJAM, D/O. PUSHPALILLY,
AGED 55 YEARS, RESIDING AT SABU BHAVAN,
PONGIL, MULLUVILA P.O., NEYYATTINKARA.**

**BY ADVS.SRI.K.A.HASSAN,
SMT.JULIA PRIYA RESHMY.**

RESPONDENT(S):

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- 1. THE SUB INSPECTOR OF POLICE,
NEYYATTINKARA POLICE STATION,
THIRUVANANTHAPURAM-695 121.**
 - 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SRI.N. SURESH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-12-2014, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

K.RAMAKRISHNAN, J.

B.A. No. 8537 of 2014

Dated this the 26th day of December, 2014

ORDER

This is an application for anticipatory bail filed by accused nos. 1 to 3 in Crime No.1759/2014 of Neyyattinkara Police Station under section 438 of Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that the deceased Vyshali married the 1st petitioner on 29.05.2014 and after marriage they were living together as husband and wife. While so, she was ill treated by the petitioners and demanded an amount of Rs.2 lakhs and compelled her to do menial work in the house as well as in the hotel and instigated her to commit suicide and as abetted by the accused persons she committed suicide on 25.10.2014 from her parental house and thereby all of them have committed the offences punishable under sections 498A, 304(B) and 306 r/w section 34 of Indian Penal Code.

3. The counsel for the petitioners submitted that though the case was registered against all the three petitioners, subsequently, 2nd petitioner was deleted from the array of accused and the case is now confined to petitioners 1 and 3 alone, who are the husband and mother-in-law of the deceased. It was a love marriage and the documents produced will go to show that she has no complaint against her husband and the diary writings of the deceased will go to show that she was living happily in the house and due to the education loan that has been taken, which she has to discharge, made her to commit suicide. So, they prayed for allowing the application.

4. The application was opposed by the Public Prosecutor on the ground that the investigation is still in progress and the custodial interrogation of the petitioners will be required.

5. It is seen from the records that the case was originally registered on the basis of the statement given by the brother of the deceased against the present petitioners alleging commission of the offence under section 498A of Indian Penal Code, when the information regarding committing suicide of the deceased was informed to the police. During investigation it was revealed that apart from the offence under section 498A of Indian Penal Code, offences under sections 304(B) and 306 r/w section 34 of Indian Penal Code were also committed by accused nos. 1 and 3, who are the petitioner nos. 1 and 3 in this application and since it was revealed that no offence was committed by the 2nd petitioner, who is the father of the 1st petitioner, they filed a report to delete his name and to add sections 304B and 306 r/w 34 of Indian Penal Code as well. The 2nd petitioner is not an accused now. So the apprehension of

the 2nd petitioner that he is likely to be arrested in connection with the above crime is without any basis and no anticipatory bail need be granted to him.

6. As regards the other petitioners are concerned, on going through the statement of the witnesses questioned, it cannot be said that there was no allegations made against them. I am not, at this stage, going into the question as to whether the allegations are correct or not. Further, the extracts of the diary writings said to have been written by the deceased produced along with the petition are also matters to be considered at the time of trial and not at this stage. So, considering the circumstances, this Court feels that it is not a fit case to invoke the power under section 438 of Code of Criminal Procedure to grant anticipatory bail to the petitioners 1 and 3. However, this will not prevent the petitioners 1 and 3 from surrendering before the

Investigating Officer and the Investigating Officer after interrogating them, producing them before the concerned Magistrate Court, and the concerned Magistrate Court considering the bail application, and dispose of the same in accordance with law.

7. So, petitioners 1 and 3, who are the only persons now arrayed as accused in the case, are directed to surrender before the Investigating Officer on 5.1.2015 and on their surrender the Investigating Officer is directed to interrogate them and if he feels that their arrest is required, then after recording their arrest, produce them before the concerned Magistrate Court, as far as possible on the same day of arrest itself and on such production and if the petitioners 1 and 3 move for regular bail before the concerned Magistrate Court, the learned Magistrate is directed to consider and dispose of the bail application so

filed, as far as possible on the date of filing of the application itself, after hearing the Assistant Public Prosecutor of that court, in accordance with law.

With the above direction, and observation this application is dismissed.

Sd/-
K.RAMAKRISHNAN,
JUDGE

//True Copy//

P.A. To Judge

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