

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 33 of 2015

CRIME NO. 1250/2014 OF KASABA POLICE STATION , PALAKKAD

PETITIONER(S)/ACCUSED:

**C. RAJESH, AGED 35 YEARS,
S/O.GURUVAYOORAPPAN, GANAPATHIPARAMBIL HOUSE
BEHIND WADAKKANCHERRY COURT, WADAKKANCHERRY POST,
THRISSUR DISTRICT.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

B.A. No.33 of 2015

Dated this the 5th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1250/2014 of Pudussery Kasaba Police station, Palakkad district registered for the offences punishable under Sections 498A and 306 of the I.P.C.

3. The grand daughter of the de-facto complainant was given in marriage to the petitioner. It is alleged that after the marriage she was being constantly tortured and harassed and she was subjected to cruelty by demanding more dowry. Her father is no more. She had complained about the cruelty from her husband, to her mother and her brother. Still they insisted her to move along

with the petitioner. She along with the child was residing with the petitioner in Bihar, where he was conducting a bakery shop. As she was afflicted with jaundice, her mother and brother went over to Bihar and stayed along with them for some period and treated her and thereafter, she along with the child were taken back to her home for continued treatment. On 12.11.2014, the petitioner along with the sister came over to the house of the deceased for attending the birthday celebrations of the child. It is alleged that after the birthday celebration, the petitioner gave as an ultimatum to the deceased that she should procure dowry from her house and if not, he would not take her back. He had also allegedly told her that, in such case, she should die. It seems that on 15.11.2014 she was found lying dead, as she had consumed poison.

4. Heard learned counsel for the petitioner and learned Public Prosecutor.

5. The contents of the C.D. *Prima facie* reveal the complicity

of the petitioner. The investigation of this case is not over. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am satisfied that this is not a fit case wherein anticipatory bail can be granted.

6. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

7. In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders,

preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge