

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

Bail Appl..No. 55 of 2015

CRIME NO. 2456/2014 OF KOTTARAKKARA POLICE STATION, KOLLAM DISTRICT.
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PETITIONER(S)/ACCUSED:

1. **MOHAMMED BINU, AGED 43 YEARS,
S/O. LATE A.M. HANEEFA,
RESIDING AT HAZANAR MANZIL,
MUSLIM STREET, KOTTARAKKARA.**
2. **SOUDA BEEVI, AGED 63 YEARS,
W/O. LATE A.M. HANEEFA,
RESIDING AT HAZANAR MANZIL,
MUSLIM STREET, KOTTARAKKARA.**
3. **ASEENA S. AGED 44, D/O. LATE A.M. HANEEFA,
RESIDING AT HAZANAR MANZIL,
MUSLIM STREET, KOTTARAKKARA.**
4. **ASEELA S. AGED, D/O. LATE A.M. HANEEFA,
RESIDING AT HAZANAR MANZIL,
MUSLIM STREET, KOTTARAKKARA.**
5. **ASEEMA S. AGED 39, D/O. LATE A.M. HANEEFA,
RESIDING AT HAZANAR MANZIL,
MUSLIM STREET, KOTTARAKKARA.**

**BY ADVS.SRI.A.JAYASANKAR
SRI.C.V.MANUVILSAN
SRI.MANU GOVIND
SMT.B.MEERA
SMT.K.VIDYA
SMT.K.PAMRUTHA
SMT.A.ANJANA
SRI.S.SABARINADH
SMT.INDULEKHA JOSEPH**

RESPONDENT/COMPLAINANT:

**THE STATE OF KERALA,
REPRESENTED BY S I OF POLICE,
KOTTARAKKARA POLICE STATION,
REPRESENTED THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

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B.A. No.55 of 2015

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Dated this the 11th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. According to the petitioners, they are apprehending arrest in connection with Crime No.2456 of 2014 of the Kottarakkara Police Station, registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that they have tortured and harassed the defacto complainant, who is the wife of the 1st petitioner, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more dowry and gold ornaments, after misappropriating her entire gold ornaments and money.

4. The learned Public Prosecutor has pointed out that except the 1st petitioner, the other petitioners have been removed from the array of the accused and they are not accused in the crime. Matters being so, this bail application,

as far as petitioners 2 to 5 are concerned, is not maintainable as they need not have any apprehension of arrest at all.

5. On hearing the learned counsel for the petitioners and learned Public Prosecutor, and on a perusal of the contents of the CD, I do not think that there are sufficient materials to deny anticipatory bail to the 1st petitioner also. Being a matrimonial offence and by considering the chance of re-union and settlement in the matter, I am of the view that anticipatory bail can be granted to the 1st petitioner.

In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the 1st petitioner, is directed to enlarge the 1st petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The 1st petitioner shall report before the investigating officer in between 09.00 a.m. and

11.00 a.m. on all Wednesdays and Saturdays commencing from 18.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The 1st petitioner shall not tamper with the evidence or influence witnesses.

(iii) The 1st petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The 1st petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

This bail application, as far as petitioners 2 to 5 are concerned, is dismissed as not maintainable.

Sd/-
B.KEMAL PASHA
JUDGE

DSV/11/2/15

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P.A. To Judge

