

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

Bail Appl..No. 76 of 2015

CRIME NO. 871/2014 OF PERINGOME POLICE STATION , KANNUR

PETITIONER(S)/2ND ACCUSED:

**SUNITHA N, AGED 27 YEARS
D/O.MOHANAN, NEDUKKANDI HOUSE, PANNIYOOR P.O.
KANNUR DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT(S)/COMPLAINANT/STATE:

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21-01-2015,
ALONG WITH BA.NO.216/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. Nos.76 & 216 of 2015
.....

Dated this the 21st day of January, 2015

ORDER

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B.A.No.216/2015 is filed under Section 439 Cr.P.C. by A1 and B.A.No.76/2015 is filed under Section 438 Cr.P.C. by A2 in Crime No.871/2014 of Peringome Police Station, Kannur district, presently pending investigation for the offences punishable under Sections 498A and 306 read with Section 34 of the Indian Penal Code.

2. Deceased Soumya, who is the daughter of the *defacto complainant*, was given in marriage to the 1st accused on 25.05.2014. At the matrimonial home, she was residing along with the 1st accused husband, and A2 sister-in-law, and the husband of the 2nd accused. It is alleged that the 1st accused is a womaniser, who had illicit relationship with many women of evil repute and he is a habitual drunkard. It is alleged that under the instigation of A2, A1

frequently used to beat the deceased. Over and above it, the 1st accused, who was having a illicit connection with a lady named Moly, had revealed all the details of the private life of the deceased with the 1st accused to the said Moly, and Moly made it public. Harassment continued and finally, she had no other go than to commit suicide on 04.12.2014, after preparing a detailed suicide note addressing her parents. The 1st accused has been in custody for the period from 24.12.2014 onwards.

3. Heard learned counsel for the petitioners and the learned Public Prosecutor.

4. The contents of the CD *prima facie* reveal the complicity of the petitioners. The suicide note speaks volumes against the petitioners. The deceased has clearly mentioned in the suicide note that she was forced to commit suicide only on account of the 1st accused, Moly and the 2nd accused. It has to be noted that she has not implicated the husband of the 2nd accused in the matter. The allegations

against the petitioners are very grave and serious. The investigation has a long way to go. At this stage, I am satisfied that the 1st accused is not entitled to be enlarged on bail.

5. The learned counsel for the petitioners has pointed out that the 2nd accused had given birth to a child on 12.09.2014. That fact does not mitigate the seriousness of the allegations against the 2nd accused in the matter. This is not a fit case wherein anticipatory bail can be granted. At the same time, considering the fact that the 2nd accused is having a feeding child, I am of the view that an opportunity can be granted to the 2nd accused to surrender before the investigating officer and to co-operate with the investigation.

In the result, these Bail Applications are dismissed. At the same time, if so advised, the 2nd accused (petitioner in B.A.76/2015) may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate her, effect recovery if

any, and conduct the investigation and produce her without delay before the concerned Judicial First Class Magistrate's Court, where she 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)

aks/21/01

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PA to Judge