

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

Bail Appl.No. 116 of 2015

CRIME NO. 707/2014 OF THRITHALA POLICE STATION, PALAKKAD
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PETITIONER(S)/1ST ACCUSED:

**DR.ANEESH P. SHAREEF, AGED 33 YEARS,
S/O.P.M.MOHAMMED SHEREEF,
PALIYATHAZHATH HOUSE, KURIACHIARA P.O.,
THRISSUR DISTRICT.**

**BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH**

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM - 682 031.**
- * ADDITIONAL R2 IMPEADED.**
- 2. DR.JASEENAMOL, AGED 29 YEARS,
D/O.K.P.ABDUL RASHEED, KALADI PALLIYALIL HOUSE,
KALLADATHUR P.O., KUMARANELLOOR,
PALAKKAD - 679 552.**
- * IS IMPEADED R2 AS PER ORDER DTD. 18.3.2015 IN CRL. MA.NO.582/2015.**

**R1 BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED
R2 BY ADVS. SRI.K.NIRMALAN
SRI.A.RAJASIMHAN**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
18-03-2015,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

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B.A.No.116 of 2015

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Dated this the 18th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the first accused in Crime No.707 of 2014 of the Thrithala Police Station, registered for the offences punishable under Sections 107, 312 313, 315, 316, 323, 406 and 498A read with Section 34 of the Indian Penal Code.

3. The petitioner herein was the husband of the defacto complainant. Both are Doctors by profession. It is alleged that an amount of ₹75,00,000/- was squeezed as dowry by the petitioner from the parents of the defacto complainant. Two children were born in the wedlock. It is alleged that the

petitioner was not willing even to have the birth of the 1st child and he had insisted the defacto complainant to undergo an abortion, to which she was not willing. Finally, her family members intervened and ultimately, it seems that the petitioner had agreed for the delivery. When she conceived for the 2nd time, she was forced to take medicines for getting her pregnancy aborted and by force, he administered medicine to her and the pregnancy was terminated. When she conceived for the 3rd time, she was not willing for a miscarriage and thereby she was brutally beaten up and she was kicked on her abdomen, thereby complications developed and ultimately she had to undergo an abortion. When she conceived for the 4th time, it seems that the petitioner had again insisted her to undergo an abortion. As she was not willing, she was beaten up and she was kicked on her abdomen. Even then the pregnancy continued and she gave birth to a child.

4. It is further alleged that the defacto complainant was being beaten up regularly. It is also alleged that the father of the petitioner, who is the 2nd accused, used to make sexual overtures towards the defacto complainant. When she has

complained about it to the petitioner, her complaints fell in deaf ears. When she was under the after confinement care of the 2nd child, it seems that the petitioner had all of a sudden issued a Talak letter to the defacto complainant, thereby intimating her he had effected an extra judicial divorce. Whether that is valid divorce or not, is not a question to be considered here.

5. Heard learned counsel for the petitioner, learned counsel for the defacto complainant and learned Senior Public Prosecutor.

6. The contents of the CD *prima facie* reveal the complicity of the petitioner. The contents of the Talak letter are self speaking to the conduct of the petitioner. It seems that the petitioner has complained that the defacto complainant was not willing for sexual intercourse when she was under the after confinement care during the birth of the 2nd child. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner, I am of the view that the custodial interrogation of the petitioner is required for the continued

investigation of this case. Considering the facts and circumstances of the case, I am of the view that the petitioner is not entitled to the discretionary relief of anticipatory bail.

In the result, this bail application is dismissed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/18/3/15

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P.A. To Judge