

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

Bail Appl..No. 167 of 2015 ()

CRIME NO. 1180/2014 OF KIDANGOOR POLICE STATION , KOTTAYAM

PETITIONERS/ACCUSED :

- 1. MADHU V
USHAS VARYAM, ENATH P.O., ENATH-691526
PATHANAMTHITTA DISTRICT.**
- 2. V.S.VIJAYAKUMAR,
USHAS VARYAM, ENATH P.O., ENATH-691526
PATHANAMTHITTA DISTRICT.**
- 3. S.BHASURA,
USHAS VARYAM, ENATH P.O., ENATH-691526
PATHANAMTHITTA DISTRICT.**
- 4. ASHA V.
USHAS VARYAM, ENATH P.O., ENATH-691526
PATHANAMTHITTA DISTRICT.**

**BY ADVS.SMT.K.P.SANTHI
SRI.R.JAYAKRISHNAN (MUTHUKULAM)**

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

B.KEMAL PASHA, J.

B.A.No. OF 2015

Dated this the 16th day of January, 2015

O R D E R

The Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.11/2015 Enathu Police Station registered for the offences punishable under Section 498 (A) read with Section 34 IPC.

3. The allegation against the petitioners is that they have tortured and harassed the de facto complainant, who is the wife of the first petitioner, and treated her with cruelty by demanding more dowry, within the meaning of Section 498A IPC. It is also alleged that she was severely beaten up by the first petitioner.

4. Heard learned counsel for the petitioners and learned Public Prosecutor. The crime has been registered on the basis of a private complaint filed by the de facto complainant before the Judicial First class Magistrate's Court,

Eattumanur, which was referred to the police under Section 156 (3) Cr.P.C. The offence involved is a matrimonial offence. Considering the chances of re-union, I do not think that this is a case wherein the custodial interrogation of the petitioners is required. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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

(i) Petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Fridays and Tuesdays, commencing from 23-01-2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) Petitioners shall not tamper with the evidence or influence witnesses.

(iii) Petitioners shall make himself available for interrogation as and when required by the investigating officer.

(iv) Petitioners 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.

Sd/-

**B.KEMAL PASHA,
Judge.**

dpk

/true copy/ PS to Judge.

