

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

Bail Appl..No. 218 of 2015 ()

CRIME NO. 7/2015 OF DHARMADAM POLICE STATION, KANNUR DISTRICT

PETITIONER/1ST ACCUSED :

**JITHENDRA E.V.,
S/O.LATE GOVINDAN, AGED 48 YEARS
"JEEJA SADAN", PALAYAD POST
KANNUR DISTRICT, PIN 670 661.**

BY ADV. SRI. P.K. RAVI SANKAR

RESPONDENT :

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

BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-01-2015,
ALONG WITH BA. NO. 193/2015, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:**

Mn

B.KEMAL PASHA, J.

.....
B.A. Nos.218 & 193 of 2015
.....

Dated this the 20th day of January, 2015

ORDER

B.A.No.218/2015 is filed under Section 439 Cr.P.C. by A1 and B.A.No.193/2015 is filed under Section 438 Cr.P.C. by A2 to A4 in Crime No.7/2015 of the Dharmadam Police Station, Kannur registered for the offences punishable under Sections 498A, 324, 506 and 307 read with Section 34 of the Indian Penal Code.

2. The defacto complainant woman, who is a practicing lawyer of the Thalasserry Bar, was given in marriage to the first accused, who is the petitioner in B.A.No.218/2015, on 26.01.2014. At the time of her marriage, she was provided with 70 sovereigns of gold ornaments and an amount of ₹3 lakhs, by her parents and it

is alleged that all the said gold ornaments and the amounts were misappropriated and spent by the first accused within a short span of time. It is alleged that, she was severely tortured and harassed by demanding her to sell her property and to hand over the consideration to the first accused, to which she was not willing. It is alleged that on 02.01.2015 at 5.30 p.m., the first accused inflicted a cut aimed at the neck of the defacto complainant with a knife, which was warded off by the defacto complainant thereby she sustained an injury on her hand. She attempted to run away from the kitchen for escaping from the clutches of the first accused. The first accused allegedly chased her with a knife and stabbed on the back of her neck. However, she escaped. Petitioners 1 to 3 in B.A.No.193/2015 are the sisters of the first accused. The fourth petitioner therein is the husband of the third accused.

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

4. The contents of the CD, *prima facie*, reveal the complicity of the 1st accused. The allegations against the petitioner in B.A.No.218/2015 are very grave and serious. Even though he has been in custody for the period from 03.01.2015 onwards, this is not a fit case wherein he can be enlarged on bail. If he is enlarged on bail, it is likely to cause severe threat to the life of the defacto complainant.

5. At the same time, considering the facts and circumstances of the case and the lesser role allegedly played by the petitioners in B.A.No.193/2015, I am of the view that this is a fit case wherein anticipatory bail can be granted to them.

6. In the result, B.A.No.218/2015 is dismissed. B.A.No.193/2015 is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners in B.A.No.193/2015, is directed to enlarge the petitioners on bail in the event of their 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) The said petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Tuesdays and Fridays commencing from 27.01.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The said petitioners shall not tamper with the evidence or influence witnesses.

(iii) The said petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) The said 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

ul/-

[True copy]

P.S. to Judge