

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

Bail Appl..No. 293 of 2015

CRIME NO. 20/2015 OF NEDUMKANDAM POLICE STATION , IDUKKI

PETITIONER/2ND ACCUSED:

**K.C.JOSEPH, AGED 72 YEARS,
S/O.CHERIAN, KALATHUKUNNEL HOUSE, VALLAKADAVU
KATTAPANA , IDUKKI.**

**BY ADVS.SRI.A.RAJASIMHAN
SRI.K.NIRMALAN**

RESPONDENTS/STATE:

**STATE OF KERALA
THROUGH THE SUB INSPECTOR,
NEDUMKANDAM POLICE STATION, IDUKKI
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 02-02-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B.KEMAL PASHA, J.

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B.A. No. 293 of 2015

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Dated this the 2nd day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.20 of 2015 of the Nedumkandam Police Station, registered for the offences punishable under Sections 120B, 420, 494 and 498A read with Section 34 IPC.

3. The allegation against the petitioner is that he along with the 1st accused, who is his son, hatched a criminal conspiracy to solemnize the marriage of the 1st accused with the defacto complainant, by suppressing the then subsisting marriage of the 1st accused with another woman. It is alleged that after the marriage, she was tortured and harassed by the petitioner and the other accused by demanding more dowry, after misappropriating her entire gold ornaments and money.

4. Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the CD.

5. Even though the name of the person is shown as the wife of the 1st accused and it has been averred that the 1st accused had married that lady earlier, no evidence has been collected to show any such first marriage. The case records do not *prima facie* reveal the complicity of the petitioner in any such incident. Of course, there are allegations that he had also participated in harassing the defacto complainant by demanding more dowry. The petitioner is a 72 year old man. All the main overt acts are alleged against the 1st accused. Considering the facts and circumstances of the case and the present stage of the investigation, I do not think that the custodial interrogation of the petitioner is required for the continued investigation of this case. This is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is

conducting the arrest of the petitioner, is directed to enlarge the 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 petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Mondays and Thursdays commencing from 09.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The 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.

**Sd/-
B. KEMAL PASHA
JUDGE**

DSV/2/2/15

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P.A. To Judge