

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

Bail Appl..No. 497 of 2015 ()

CRIME NO. 567/2014 OF VELLARIKUNDU POLICE STATION, KASARAGOD DIST.

PETITIONER/ACCUSED:

**T.M. BABU, AGED 50 YEARS,
S/O.MATHAI, RESIDING AT THADIPLAKAL HOUSE,
CHEMBANCHERY, BALAL POST, VELLARIKUNDU TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.T.MADHU,
SRI.MURUGAN P.V.**

RESPONDENT/STATE:

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
VELLARIKUNDU POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA. T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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B.A. No. 497 of 2015

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Dated this the 5th day of February, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.567/2014 of the Vellarikundu Police Station, Kasaragod District, registered for the offence punishable under Section 498A IPC.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is the wife of the petitioner, and treated her with cruelty within the meaning of Section 498A IPC.

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

5. The matter involved in this case is a matrimonial offence. The contents of the C.D reveal that the investigation of the case is practically over. Any specific overt act has not been alleged against the petitioner. It is not a case where the custodial

interrogation of the petitioner is required for the continued investigation of the case. Considering the facts and circumstances of the case, and the present stage of investigation, I am of view that anticipatory bail can be granted to the petitioner considering the possibility of a re-union in the matter.

6. 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 ₹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 petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays, commencing from 12.02.2015 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

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P.A to Judge