

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No.572 of 2015

(CRIME NO.1450/2014 OF NENMARA POLICE STATION,PALAKKAD).

...

PETITIONER/ACCUSED NO.3:

**MADHAVI,AGED 65 YEARS,W/O.VEERAPPAN,
MACHATHUVEEDU,POONGODU,POTHUNDI POST,
NEMMARA,CHITTUR TALUK,PALAKKAD DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH.V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.572 2015
.....

Dated this the 25th day of February, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the 3<sup>rd</sup> accused in Crime No.1450/2014 of Nemmara Police Station, Palakkad district, registered for the offences punishable under Sections 498A and 304B IPC.

3. Deceased Saritha was given in marriage to A1 on 13.12.2007. At the time of marriage, she was provided with 35 sovereigns of gold ornaments and A1 was paid an amount of ₹75,000/- as dowry. He had misappropriated the entire gold ornaments and money and repeatedly demanded properties from the house of the deceased. She was severely tortured and harassed by the petitioner, who is the mother of A1. She was made to work severely at the

field. On 16.10.2014 also, she was working at the field along with A1. After works, when she came back, she was severely scolded and abused by the petitioner. As she could not withstand the harassment, she consumed rat poison and went to the field, where A1 was working. By the time, she collapsed and she was taken to the hospital, where she died on 23.10.2014.

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

5. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The contents of the CD contains the statement furnished by the deceased at the hospital, which clearly speaks volumes against the petitioner. At the same time, the learned counsel for the petitioner has invited the attention of this Court to the medical records of the petitioner which shows that she has been suffering from renal failure, and under constant medical treatment. She has been advised to undergo kidney transplantation. I have

called for a report from the investigating officer. The investigating officer has also reported that the petitioner is a chronic patient suffering from renal failure. On that aspect alone, I am of the view that anticipatory bail can be granted to the petitioner.

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 ₹50,000/- (Rupees fifty 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 Wednesdays and Saturdays commencing from 04.03.2015 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 herself 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)**

aks/25/02

*// True Copy //*

*PA to Judge*