

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

Bail Appl..No.578 of 2015

CRIME NO.1306/2014 OF KODAKARA POLICE STATION,TRISSUR.

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PETITIONER/ACCUSED NO.1:

**SANGEETHA,AGED 34 YEARS,
W/O.RADHAKRISHNAN,KOMBATH VEEDU, V
ASUPURAM DESOM,MATTATHUR VILLAGE.**

BY ADV.SRI.NIREESH MATHEW

RESPONDENT/COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

K. ABRAHAM MATHEW, J.

Bail Appl. No.578 of 2015

Dated this the 1st day of June 2015

O R D E R

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.1306 of 2014 of Kodakara Police station which was originally registered for the offence under Sec.174 of Cr.P.C. Later Sec.306 of Indian Penal Code was incorporated. This case originated from the suicide of all the members of a family. The prosecution case is that it was due to the threat of the petitioner they committed suicide.

3. Heard both sides.

4. Learned Public Prosecutor submits that the earlier application filed by the petitioner was dismissed by this Court and the 2nd application is not maintainable. That is the ordinary law.

5. But in this case there are some special circumstances. It is very doubtful whether Sec.306 IPC is

attracted. Admittedly the petitioner was a subscriber to a chitty conducted by the head of the family. He failed to repay the amount even after the completion of the chitty. If a debtor demands the creditor to pay back the amount, and the creditor commits suicide, it is doubtful whether Sec.306 IPC is attracted.

6. In this special circumstance, I am inclined to grant the prayer the prayer for anticipatory bail.

In the result, this application is allowed.

1) The petitioner shall be released on bail after interrogation on her executing a bond for Rs.25,000/- (Twenty five thousand only) with two solvent sureties each for the like sum if she is arrested by the Police in connection with this case.

2) She shall appear before the Investigating Officer for interrogation if she is so required by him in writing.

3) She shall not destroy or tamper with evidence.

4) She shall not harass the defacto complainant or his relatives.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-
K. ABRAHAM MATHEW
JUDGE
/ True Copy /

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P.A. To Judge