

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

Bail Appl..No. 627 of 2015

CRIME NO. 188/2015 OF KAYAMKULAM POLICE STATION, ALAPPUZHA.
.....

PETITIONER/ACCUSED :

**KOCHUKUTTAN ACHARI,
S/O. GOVINDAN ACHARI, AGED 64 YEARS,
EDAYIL KUDUKKAYIL, MALAMEL BHAGOM,
KEERIKKAD VILLAGE,
KAREELAKKULANGARA P.O.,
KAYAMKULAM, ALAPPUZHA - 690 572.**

**BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH**

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KAYAMKULAM POLICE STATION,
ALAPPUZHA-690 502.**

BY PUBLIC PROSECUTOR SMT.LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-02-2015 ALONG WITH BA. 513/2015 & BA. 746/2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

.....
B.A. Nos. 627, 513 & 746 OF 2015
.....

Dated this the 18th day of February, 2015

COMMON ORDER

B.A.No.627/2015 is filed under Section 439 Cr.P.C. by A1 and B.A.No.513/2015 is filed under Section 438 Cr.P.C. by A2 and B.A.No.746/2015 is filed under Section 439 Cr.P.C by A3 in Crime No.188/2015 of the Kayamkulam Police Station, Alappuzha registered for the offences punishable under Sections 498A and 306 read with Section 34 of the Indian Penal Code.

2. This case depicts the tragic life of a 26 year old woman called Deepika, who has chosen to commit suicide on account of her bitter experience, especially from A1 and

A2 who are her in-laws, with the aid of her husband A3 at the matrimonial home. She was tortured and harassed to the maximum and finally she committed suicide by hanging at her matrimonial house. The first accused was arrested on 21.01.2015 and the 3rd accused was arrested on 02.02.2015.

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

4. All the main overt acts are alleged against A1 and A2. A3 was working in gulf even on the date on which his wife committed suicide. There are very serious allegations against A2, who was directly instrumental in torturing and harassing the girl. Considering the seriousness of the allegations against the 2nd accused, I am satisfied that she is not entitled to the discretionary relief of anticipatory bail. At the same time, having regard to the period undergone by the first accused in custody and the fact that A3 was not present at the station even on the date on which his wife

committed suicide, I am of the view that they can be enlarged on bail.

5. In the result, B.A.Nos.627/15 and 746/2015 are allowed and the petitioners therein shall be enlarged on bail on their executing a bond for ₹1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioners in B.A.Nos.627/15 and 746/2015 shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays commencing from 25.02.2015 for a period of six months.

(ii) The petitioners in B.A.Nos.627/15 and 746/2015 shall not tamper with the evidence or influence witnesses.

(iii) The petitioners in B.A.Nos.627/15 and 746/2015 shall make themselves available for interrogation as and when required by the

Investigating Officer.

(iv) The petitioners in B.A.Nos.627/15 and 746/2015 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.

6. B.A.No.513/2015 is dismissed. At the same time, the learned counsel for the petitioner therein, seeks for an opportunity to the second accused to surrender before the investigating officer and to co-operate with the investigation. If so advised, the second accused may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the second accused, effect recovery if any, and conduct the investigation and produce the second accused without delay before the court below, where the second accused can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself,

B.A.Nos. 627, 513 & 746 of 2015

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provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge