

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

Bail Appl..No. 676 of 2015 ()

CRIME NO. 3451/2014 OF KAYAMKULAM POLICE STATION.

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PETITIONERS/ACCUSED 1 TO 3:

- 1. AJITH, S/O.PADMAKARAN,
KARINJAPALLIL HOUSE, KAPPIL MEKKU,
KRISHNAPURAM, NOW RESIDING AT FLAT NO. SF-6,
QUADRIYA PLAZA, HAVELI, CURTI, PONDA, GOA.**
- 2. KRISHNAKUMARI, W/O.PADMAKARAN,
KARINJAPALLIL HOUSE, KAPPIL MEKKU,
KRISHNAPURAM, NOW RESIDING AT FLAT NO. SF-6,
QUADRIYA PLAZA, HAVELI, CURTI, PONDA, GOA.**
- 3. PADMAKARAN, KARINJAPALLIL HOUSE,
KAPPIL MEKKU, KRISHNAPURAM,
NOW RESIDING AT FLAT NO.SF-6, QUADRIYA PLAZA,
HAVELI, CURTI, PONDA, GOA.**

**BY ADVS.SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL),
SRI.A.R.DILEEP,
SRI.MANU SEBASTIAN,
SMT.PARVATHY NAIR.**

RESPONDENTS/STATE & COMPLAINANT:

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

BY PUBLIC PROSECUTOR SRI.SREEJITH. V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

B.KEMAL PASHA, J.

B.A.No.676 of 2015 D

Dated this the 19th day of February 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.3451/2014 of Kayamkulam Police Station registered for the offences punishable under Sections 498A, 323, 506, 406 and 294(b) read with Section 34 of the I.P. C.

3. The allegation against the petitioners is that they have tortured and harassed the de-facto complainant, who is the wife of the first petitioner, and treated her with cruelty within the meaning of Section 498A of the Indian Penal Code. It is also alleged that

they had treated her with cruelty, by demanding more dowry after misappropriating all her gold ornaments and money and that she was severally being beaten up.

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

5. This is a case which involves a matrimonial offence. The investigation of this case is practically over. The crime has been registered on the basis of a private complaint filed by the de-facto complainant, before the Judicial First Class Magistrate's Court, Kayamkulam, which was referred to the police for an investigation under Section 156(3) of the Code of Criminal Procedure. Considering the possible re-union of the parties in the matter, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for Rs.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 petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all alternative Thursdays commencing from 26.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The petitioners 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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PA to Judge