

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. 828 of 2015 ()

CRIME NO. 13/2015 OF AYIROOR POLICE STATION, THIRUVANANTHAPURAM DIST.

.....

PETITIONER/2ND ACCUSED:

**SUJATHA, D/O. NJANAPPA,
AGED 52 YEARS, PARAVILA VEEDU,
NETTIYAM, PULIMATH VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.PANOOP (MULAVANA).

RESPONDENT:

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

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.828 of 2015
.....

Dated this the 19th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the 2nd accused in Crime No.13/2015 of the Ayiroor Police Station, Thiruvananthapuram registered for the offences punishable under Sections 323, 294(b) and 307 read with Section 34 of the Indian Penal Code.

3. The defacto complainant is a Panchayat member and the Chair Person of Panchayat Standing Committee. She is married to the 1st accused and two children were born in that wedlock. Subsequently, the matrimonial relationship got strained on account of the fact that the first accused is a habitual drunkard and that he has illicit

relationship with women of evil repute. The present petitioner is allegedly the concubine of the first accused.

4. In the absence of the defacto complainant, the petitioner used to go and reside with the first accused. On coming to know that the petitioner has started residing with the first accused permanently, the defacto complainant came to that house. There were attempts from the part of the first accused and the petitioner to throw her away from the house. During night, she returned to her house after filing a complaint at the Ayiroor Police Station against the first accused and the petitioner herein. At that time, the petitioner along with the first accused caught hold of the defacto complainant and the first accused forcibly poured some acid like corrosive substance into the mouth of the defacto complainant whereby she sustained severe burn injuries. She is not in a position to speak. She had to undergo prolonged treatment.

5. Heard learned counsel for the petitioner and the

learned Public Prosecutor. Perused the CD.

6. The contents of the CD, *prima facie*, reveal the complicity of the petitioner. The allegations against the petitioner are very grave and serious. The investigation of this case not over. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am of the view that the petitioner is not entitled to the discretionary relief of anticipatory bail.

7. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where

the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, 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