

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

Bail Appl..No. 877 of 2015 ()

CRIME NO. 53/2015 OF NILESHWAR POLICE STATION , KASARAGOD DISTRICT

PETITIONER/1ST ACCUSED :

**VINEESH P, AGED 30 YEARS, S/O. VIKRAMAN,
RESIDING AT CHATHAMATH, PEROLE VILLAGE,
HOSDURG TALUK, KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT/STATE :

**THE STATE OF KERALA,
THROUGH THE STATION HOUSE OFFICER,
NILESHWAR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B. KEMAL PASHA, J.

.....
B.A. No.877 of 2015
.....

Dated this the 13th day of March, 2015

ORDER

~ ~ ~ ~ ~

Petition under Section 438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.53/2015 of Nileshtar Police Station registered for the offence punishable under Section 498A read with Section 34 IPC.

3. The allegation against the petitioner is that he has tortured and harassed the de facto complainant, who is his wife, and treated her with cruelty within the meaning of Section 498A IPC, by demanding more amounts from her.

4. It is specifically alleged that on 21.01.2015 at 11 p.m. she was brutally beaten up all over her body. She was slapped, kicked down and stamped. Finally, she escaped from the clutches of the petitioner and ran to the neighbouring house and took shelter there. He chased her and entered into that house, wherein also she was severely

beaten up. She was taken to the hospital during that night itself. Even though she came back from the hospital, her discomforts aggravated and thereby, she was again admitted in the hospital on 23.01.2015.

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

6. Normally, this Court used to grant anticipatory bail in cases like this considering the chance of reunion or settlement, as the case may be. But, in this case, it seems that the victim was being frequently tortured and harassed by pointing out that she had not brought anything to the matrimonial home from her house. Precisely, the torture is meant for procuring money from her house. The victim has been suffering such tortures and harassment, as she has nothing with her to pay. Considering the seriousness of the allegations against the petitioner, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

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)