

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

Bail Appl..No. 915 of 2015 ()

***CRIME NO. 183/2015 OF KUNNICODE POLICE STATION , KOLLAM DISTRICT**

***THE NAME OF THE POLICE STATION IS CORRECTED AS 'PUNALUR POLICE STATION'
INSTEAD OF 'KUNNICODE POLICE STATION' VIDE ORDER DATED 25/2/2015 IN
CRL.M.A.NO.1504/2015.**

PETITIONERS/ACCUSED 1 TO 3:

- 1. SHYJU THOMAS, AGED 33 YEARS,S/O THOMAS,
PUTHUMANA HOUSE, NAREEKKAL P.O.,
PUNALUR.**
- 2. ELIYAMMA THOMAS, AGED 61 YEARS,W/O P.J.THOMAS,
PUTHUMANA HOUSE, NAREEKKAL P.O.,
PUNALUR.**
- 3. P.J.THOMAS, AGED 62 YEARS,
PUTHUMANA HOUSE, NAREEKKAL P.O., PUNALUR.**

**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,
KUNNICODE POLICE STATION, KOLLAM DISTRICT-691 508.**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B.KEMAL PASHA, J.

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B.A. No.915 of 2015

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Dated this the 25th day of February, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. According to the petitioners, they are apprehending arrest in connection with Crime No.247 of 2015 of the Kunnicode Police Station (Crime No.183 of 2015 of the Punalur Police Station), registered for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

3. The learned Public Prosecutor has pointed out that petitioners 2 and 3 have been removed from the array of the accused and presently they are not accused in the crime. Therefore, there cannot be any apprehension for petitioners 2 and 3 that they would be arrested in connection with the said crime.

4. The allegation against the 1st petitioner is that he has

tortured and harassed the defacto complainant, who is his wife, and treated her with cruelty by demanding more dowry and gold ornaments, after misappropriating her entire gold ornaments and money.

5. The crime has been registered on the basis of a private complaint filed by the defacto complainant before the Judicial First Class Magistrate's Court-III, Punalur, which was referred to the Police under Section 156(3) Cr.P.C. Initially the crime was registered as Crime No.183 of 2015 of the Punalur Police Station and the same was subsequently transferred to the Kunnicode Police Station, where, it was re-registered as Crime No.257 of 2015.

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

7. This is clearly a matrimonial offence. By considering the chance of re-union and a settlement in the matter, I am of the view that this is a fit case wherein anticipatory bail can be granted to the 1st petitioner.

In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is

conducting the arrest of the 1st petitioner, is directed to enlarge the 1st petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The 1st petitioner shall report before the investigating officer in between 09.00 a.m. and 11.00 a.m. on all Wednesdays and Saturdays commencing from 04.03.2015 for a period of three months.

(ii) The 1st petitioner shall not tamper with the evidence or influence witnesses.

(iii) The 1st petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The 1st petitioner 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.

This bail application, as far as petitioners 2 and 3 are concerned, is dismissed.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/25/2/15

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P.A. To Judge