

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Bail Appl..No. 988 of 2015

CRIME NO. 175/2015 OF POOYAPALLY POLICE STATION, KOLLAM DISTRICT.
.....

PETITIONER(S)/ACCUSED NO. 1 TO 3:

- 1. RAJASEKHARAN PILLAI, AGED 34 YEARS,
S/O.VISWANATHAN PILLAI,
KANNAMBALLY VILAYIL HOUSE,
PULLANJIKADU, VELIYAM, KOLLAM DISTRICT.**
- 2. VISWANATHAN PILLAI,
AGED 76 YEARS, S/O. RAMAN PILLAI,
KANNAMBALLY VILAYIL HOUSE,
PULLANJIKKAD, VELIYAM, KOLLAM DISTRICT.**
- 3. DEVAKI AMMA, AGED 71 YEARS,
W/O. VISWANATHAN PILLAI,
KANNAMBALLY VILAYIL HOUSE,
PULLANJIKKAD, VELIYAM, KOLLAM DISTRICT.**

**BY ADVS.SRI.MANOJ RAMASWAMY
SMT.SANJANA R.NAIR
SMT.V.SREEJA**

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 31.**
- 2. THE SUB INSPECTOR OF POLICE,
POOYAPPALLY POLICE STATION,
KOLLAM DISTRICT - 691 537.**

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

B.KEMAL PASHA, J.

B.A.No.988 of 2015 C

Dated this the 4th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.175/2015 of Pooyappally Police Station, Kollam registered for the offences punishable under Sections 498A and 406 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, by demanding more dowry and gold ornaments after misappropriating her entire gold ornaments and money, thereby committing criminal breach of trust.

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

5. The contents of the CD, reveal that the investigation of the case is practically over. I do not think that the custodial interrogation of the petitioners is required for the continued investigation of this case. Over and above it, being a matrimonial offence, this court is of the view that there is a possibility of settlement in the matter and reunion of the parties. Considering all the above and in the absence of criminal antecedents on the part of the petitioners, 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 ₹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 Wednesdays and Saturdays, commencing from 11.3.2015 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

dl

// TRUE COPY //

PA to Judge