

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. 1022 of 2015 ()

CRIME NO. 340/2015 OF ALUVA POLICE STATION, ERNAKULAM DISTRICT

PETITIONERS/ACCUSED 1 & 2 :

- 1. MANZOOR, AGED 30 YEARS
S/O.LATE T.B.RAHIM, THOTTATHIPARAMBIL HOUSE, THURUTH
ALUVA P.O., PIN-683 101, ERNAKULAM DISTRICT.**
- 2. ABEEDA P.A., AGED 55 YEARS
W/O.LATE T.B.RAHIM, THOTTATHIPARAMBIL HOUSE, THURUTH
ALUVA P.O., PIN-683 101, ERNAKULAM DISTRICT.**

BY ADV. SRI.V.S.SHIRAZ BAVA

RESPONDENT/STATE :

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

BY PUBLIC PROSECUTOR SRI. C. RASHEED

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

Mn

B.KEMAL PASHA, J.

B.A.No.1022 of 2015 C

Dated this the 4th day of March 2015

ORDER

Petition under section 438 of Cr.P.C.

2. Petitioners are accused nos.1 and 2 in crime No.340/2015 of Aluva East police station registered for the offences punishable under sections 498A, 342, 323 and 506(ii) read with section 34 of the I.P.C. The allegations against the petitioner 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 of 498A of IPC., by demanding more dowry and gold ornaments after misappropriating the entire gold ornaments and money. It is also alleged that on 26.1.2015 the first petitioner

slapped and fisted the de facto complainant and intimidated her by showing knife and she was confined in a room. When the mother of the de facto complainant came on knowing about it, she was also beaten up, kicked and stamped by the first petitioner.

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

4. No criminal antecedents have been reported against the petitioners. 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.

5. 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

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PA to Judge