

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

Bail Appl..No.1101 of 2015

(CRIME NO.66/2015 OF NEW MAHE POLICE STATION,KANNUR).

...

PETITIONERS/ACCUSED 2,3 & 4:

1. **A.M.HYDROSE,AGED 70 YEARS,S/O.MEETHIYAN,
ALEADATH HOUSE,TOLL GATE,EDAPALLY P.O.,KOCHI-682024.**
2. **SUHRA M.M,AGED 66 YEARS,W/O.A.M.HYDROSE,
ALEADATH HOUSE,TOLL GATE,
EDAPPALLY P.O.,KOCHI-682024.**
3. **SHEEBA MUNEER,AGED 40 YEARS,
W/O.MUNEER KHAN,'BEEMAS',MATTUMMAL ROAD,
THAIKKATTUKARA,ALUVA,ERNAKULAM DISTRICT.**

**BY ADVS.SRI.BIJU BALAKRISHNAN
SMT.V.S.RAKHEE
SMT.PRINCY XAVIER**

RESPONDENT:

**STATE OF KERALA,REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B.KEMAL PASHA, J.

=====

B.A. No. 1101 of 2015

=====

Dated this the 5th day of March, 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are A2 to A4 in Crime No.66/15 of the New Mahi Police Station, Kannur District, registered for the offences punishable under Sections 406, 506 and 498A read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners and the other accused is that they have tortured and harassed the defacto complainant, who is the wife of the 1st accused, and treated her with cruelty, by demanding more dowry and gold ornaments, after misappropriating her entire gold ornaments and money.

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

5. The main overt acts are alleged against the 1st accused, who is the husband of the de facto complainant. No criminal

antecedents have been reported against the petitioners. Being a matrimonial offence, this Court has to consider the possibility of the settlement and re-union in the matter. Considering the same, and considering the allegations against the petitioners, I am of the view that this is not a case wherein the custodial interrogation of the petitioners is required for the continued investigation of this case. Matters being so, 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 Thursdays and Mondays, commencing from 12.03.2015 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