

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

Bail Appl..No. 1123 of 2015

CRIME NO. 2404/2014 OF CHATHANNOOR POLICE STATION, KOLLAM.
.....

PETITIONER(S)/ACCUSED NO.2 TO 4:

1. RAJAN KUNJU KUNJU, AGED 55 YEARS,
BETHEL HOUSE, KARAMCODE MURI,
THATTARKONAM CHERRY, CHIRAKKARA VILLAGE,
KOLLAM TALUK, KOLLAM DISTRICT.
2. ALEYKUTTY, AGED 53 YEARS,
W/O. RAJAN KUNJU KUNJU, BETHEL HOUSE,
KARAMCODE MURI, THATTARKONAM CHERRY,
CHIRAKKARA VILLAGE, KOLLAM TALUK,
KOLLAM DISTRICT.
3. SABU, S/O. RAJAN KUNJU KUNJU, AGED 30 YEARS,
BETHEL HOUSE, KARAMCODE MURI,
THATTARKONAM CHERRY, CHIRAKKARA VILLAGE,
KOLLAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.THYPARAMBIL THOMAS THOMAS

RESPONDENT:

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

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.1123 of 2015

Dated this the 3rd day of June, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 to 4 in Crime No.2404/14 of Chathannoor police station registered for the offences under section 493 and 498A and 34 of Indian Penal Code. The first accused is the son of the petitioners 1 and 2 and brother of the third petitioner. It is alleged that the first accused had married a girl by name Reshmi and suppressing it he got solemnisation of his marriage with first informant. It is further alleged that he and petitioners subjected the first informant to cruelty.

3. Heard.

4. The learned Public Prosecutor submits that it is revealed from the case diary that the alleged first marriage of the first accused with Reshmi was done by an agreement. An agreement does not confer the status of husband and wife. So it is very doubtful whether Section 493 of Indian Penal Code is attracted. The prosecution has no case that the first informant sustained any serious

injuries. So I am inclined to grant the prayer of the petitioners.

In the result, this application is allowed.

1. The petitioners shall be released on bail after interrogation on their executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) each with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. They shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. They shall not destroy or tamper with evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge