

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

Bail Appl.No. 1131 of 2015

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

PETITIONER(S)/1ST ACCUSED:

-----B

**SHABU A.H., AGED 42 YEARS,
S/O.A.M.HYDROSE, ALEADATH HOUSE, TOLL GATE,
EDAPALLY P.O., KOCHI - 682 024.**

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

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
NEW MAHE POLICE STATION, KANNUR,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA - 682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

=====

B.A. No.1131 of 2015

=====

Dated this the 11th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the 1st accused in Crime No.66 of 2015 of the New Mahe Police Station, registered for the offences punishable under Sections 498A, 406 and 506 of the Indian Penal Code.

3. The allegation against the petitioner and the other accused is that they have 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.

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

5. It seems that serious allegations are levelled against the petitioner. At the same time, it seems that it is a matrimonial dispute. On more than one occasions, it seems that differences of opinion between the petitioner and the

defacto complainant were sorted out and they reunited. Considering the possibility of a reunion or the settlement in the matter, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

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 petitioner, is directed to enlarge the 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 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 18.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The 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.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/11/3/15

// True Copy //

P.A. To Judge