

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

Bail Appl..No. 1160 of 2015

CRIME NO. 18/2015 OF PAYANGADI POLICE STATION.

PETITIONERS/ACCUSED NO.2, 3 & 5:

1. KUNJAMINA A.C., W/O.IBRAHIM,
AGED 76 YEARS, ANGAYATHCHALIL HOUSE,
MATTOOL NORTH, KANNUR DISTRICT.
2. ABDUL REHMAN, S/O.IBRAHIM,
AGED 45 YEARS, ANGAYATHCHALIL HOUSE,
MATTOOL NORTH, KANNUR DISTRICT.
3. NAZEEMA A.C.,D/O.IBRAHIM,
AGED 27 YEARS, ANGAYATHCHALIL HOUSE,
MATTOOL NORTH, KANNUR DISTRICT.

BY ADVS.SRI.I.V.PRAMOD
SRI.S.U.NAZAR

RESPONDENT/COMPLAINANT/STATE:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI - 682 031.

BY PUBLIC PROSECUTOR SRI.SREEJITH V.S.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

mbr/

B.KEMAL PASHA, J.

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B.A.No.1160 of 2015

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Dated this the 26th day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. The petitioners are A2, A3 and A5 in Crime No.18 of 2015 of the Payangadi Police Station, registered for the offences punishable under Section 498A read with Section 34 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 the wife of the 1st accused, and treated her with cruelty, by demanding more dowry and gold ornaments.

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

5. The crime has been registered on the basis of a private complaint filed by the defacto complainant before the Judicial First Class Magistrate's Court, Payyannur, which was referred to the Police under Section 156(3) Cr.P.C. Even though physical harassment is also alleged, any wound certificate has not been procured. This is a matrimonial offence, in which the possibility of settlement or compromise cannot be brushed aside at present. Considering the said aspect, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) Petitioners shall report before the investigating officer in between 09.00 a.m. and 11.00

a.m. on all Thursdays and Mondays commencing from 02.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

(iii) Petitioners shall make themselves available for interrogation as and when required by the investigating officer.

(iv) 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

DSV/26/3/15

// True Copy //

P.A. To Judge