

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

Bail Appl..No. 1175 of 2015

CRIME NO. 458/2014 OF POTHUKALLU POLICE STATION, MALAPPURAM
.....

PETITIONER(S)/1ST ACCUSED:

**JOMON, SON OF SAJU, AGED 33 YEARS,
NEDIYALIMOLEL HOUSE, ERUMAMUNDA P.O, CHUNGATHARA VIA,
NILAMBUR, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S)/COMPLAINANT AND STATE:

- 1. THE SUB INSPECTOR OF POLICE,
POTHUKALLU POLICE STATION,
MALAPPURAM - 679 334.**
- 2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-682 031.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
19-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

B.A.No.1175 of 2015

Dated this the 19th day of March 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.458/2014 of Pothukallu Police Station, Malappuram district, pending investigation for the offences punishable under Sections 498A and 306 read with Section 34 of the I.P. C. A2 and A3 in the case are respectively the mother and sister of the first accused.

3. Deceased Soumya was given in marriage to the petitioner. The petitioner is employed in the Kerala State Electricity Board. It is alleged that the life of Soumya at the matrimonial home was not at all peaceful. She was being pestered,

harassed and humiliated especially by A2 and A3. A3 used to come over to the matrimonial house of the victim, solely for the purpose of torturing and harassing Soumya. Soumya used to complain about the continued humiliation and harassment from the part of A2 and A3, towards the petitioner. On all such occasions, the petitioner used to take sides with his mother and sister, and he also used to behave in a rude manner to Soumya. As she had no other go than to commit suicide, she committed suicide by hanging at the matrimonial home on 19.12.2014.

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

5. It has been pointed out that A2 and A3 had surrendered before the court below and moved for bail. They were remanded to custody and subsequently, they were enlarged on bail. The learned counsel for the petitioner has pointed out that the petitioner is a probationer in service and in case he is remanded to custody,

he will have to loose his job. That is not at all a concern of this court at present, when considering the seriousness of the allegations against the petitioner. It is true that no criminal antecedents have been reported against the petitioner. When considering the said aspect, I am of the view that an opportunity can be granted to the petitioner to surrender before the investigating officer and to co-operate with the investigation. This is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed. At the same time, if so advised, the petitioner may surrender before the investigating officer within ten days from today and in such case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such

case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

dl

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PA to Judge