

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE B.KEMAL PASHA**

**WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937**

**Bail Appl..No. 1253 of 2015 ()**

**CRIME NO. 280/2015 OF TANUR POLICE STATION,  
MALAPPURAM DISTRICT**

**PETITIONER/ACCUSED :**

**S.SUDHAKARAN, AGED 42 YEARS,  
S/O.LATE SWAMI KUTTY, 'KUTTY BHAVAN', PARIYAPURAM POST,  
TANUR VIA, MALAPPURAM DISTRICT, PIN-676302.**

**BY ADVS.SRI.R.PREMCHAND  
SMT.A.A.DILSHAH**

**RESPONDENT/COMPLAINANT :**

**STATE OF KERALA,  
REPRESENTED BY THE SUB INSPECTOR OF POLICE  
TANUR POLICE STATION, MALAPPURAM DISTRICT  
THROUGH THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM - 682031**

**BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 25-03-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**bp**

**B.KEMAL PASHA, J.**

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B.A.No.1253 of 2015

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Dated this the 25<sup>th</sup> day of March, 2015

**ORDER**

Petition filed under Section 438 Cr.P.C.

2. The petitioner is the accused in Crime No.280 of 2015 of the Tanur Police Station, registered for the offences punishable under Sections 406 and 498A of the Indian Penal Code.

3. The allegation against the petitioner is that he has tortured and harassed the defacto complainant, who is his wife, and treated her with cruelty within the meaning of Section 498A of the Indian Penal Code, by demanding more dowry, after misappropriating her entire gold ornaments and money.

4. Heard learned counsel for the petitioner and the

learned Public Prosecutor.

5. The contents of the CD speaks volumes against the petitioner. It seems that a child is born in the wedlock and the child is suffering from down syndrome. It is the case of the defacto complainant that she along with child are not being maintained by the petitioner and no amount is being paid for maintenance. When it was made known to the petitioner that the child is suffering from down syndrome, he has virtually abandoned the child and the defacto complainant. Whatever it is, when the case relates to a matrimonial offence, the possibility of settlement cannot be brushed aside. Considering the said possibility, this Court is inclined to grant anticipatory bail to the petitioner, only on that ground.

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 ₹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) 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 01.04.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) 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/25/3/15

// True Copy //

*PA to Judge*

