

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

Bail Appl..No. 1683 of 2015 ()

CRIME NO. 265/2015 OF PONNANI POLICE STATION , MALAPPURAM DISTRICT

PETITIONER(S)/ACCUSED NO.2 AND 3:

1. ABDULLA, AGED 65 YEARS, S/O.SAIDALI,
CHELAPARAMBIL HOUSE, POTHANOOR AMSOM,
DESOM, P.O.PALPAKKARA, PONNANI,
PONNANI TALUK - 679 596.
2. SULAIKHA, AGED 57 YEARS,
W/O. ABDULLA, CHELAPRAMBIL HOUSE,
POTHANOOR AMSOM, DESOM, P.O.PALPAKKARA,
PONNANI, PONNANI TALUK - 679 596.

**BY ADVS.SRI.C.KHALID
SRI.T.V.MAMMOOTTY
SRI.V.P.MAHAMMOOD
SRI.N.A.JOSEPH
SRI.K.P.MOHAMED SHAFI
SMT.K.S.HASEENA
SRI.PHIJO PRADEESH PHILIP
SMT.K.REEHA KHADER
SMT.K.K.NESNA**

RESPONDENT(S)/STATE:

1. SUB INSPECTOR OF POLICE,
PONNANI POLICE STATION, PONNANI - 679 576.
2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

B.KEMAL PASHA, J.

B.A.No.1683 of 2015 A

Dated this the 8th day of April 2015

ORDER

Petition under Section 438 Cr.P.C.

2. Petitioners are accused Nos.2 and 3 in Crime No.265/2015 of Ponnani Police Station pending investigation for the offences punishable under Sections 308, 354, 406 and 498A read with Section 34 I.P. C.

3. The allegation against the petitioners and the other accused is that they have tortured and harassed the *defacto complainant*, who is the wife of A1, and treated her with cruelty, by demanding more dowry and also by complaining that she was not fair enough to be the wife of A1. It is also alleged that on 20.2.2015 at 11.30 p.m., A2, who is the father-in-law of the

defacto complainant dragged her down from the stair-case and A3, who is her mother-in-law, poured kerosene on her. It is alleged that as and when A2 went for taking the matchbox to ignite her, she went out of the house along with her child.

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

5. It seems that the wound certificate reveals that there was smell of kerosene on the body of the *defacto complainant*. At the same time, no injuries were found on the body of the *defacto complainant*. The learned counsel for the petitioners has pointed out that the story regarding the pouring of kerosene on her is a cooked up story made up by the father of the *defacto complainant*, who is a retired Police Officer. It has also been pointed out that the case of the *defacto complainant* is that after the pouring kerosene on her body by A3, A2 went inside the house for taking the matchbox and it was at that time she went out of the house, along

with her child. It seems that there is some improbability in the case as pointed out by the learned counsel for the petitioner. The petitioners are aged persons, who are the father-in-law and mother-in-law of the *defacto complainant*. It seems that A4, A5 and A6 have been granted anticipatory bail. Considering the facts and circumstances of this case, I do not think that the custodial interrogation of the petitioners is required for the continued investigation of the case. Matters being so, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

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 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 each for the like sum to the satisfaction of the officer

conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 15.4.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

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

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

(iv) The 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**

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PA to Judge