

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.ABRAHAM MATHEW**

**THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937**

**Bail Appl..No.1724 of 2015**  
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**PETITIONER/STATUS NOT KNOWN:**  
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**AJI,AGED 38 YEARS,S/O.UTHAMAN,  
POOVANNAL KIZHAKKATHIL,ERUVA P.O.  
KAYAMKULAM,NOW RESIDING AT  
THOTTUPARAMPATHU,ERUVA P.O.,  
KAYAMKULAM.**

**BY ADVS.SRI.R.SUNIL KUMAR  
SMT.A.SALINI LAL**

**RESPONDENT/COMPLAINANT:**  
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**STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,ERNAKULAM- 682 031.**

**BY PUBLIC PROSECUTOR SRI.P.S.ABDUL KAREEM.**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 11-06-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**pk**

**K. ABRAHAM MATHEW, J.**

.....  
**Bail Appl. No.1724 of 2015**  
.....

**Dated this the 11<sup>th</sup> day of June, 2015**

**ORDER**

Petition filed under Sec.438 Cr.P.C.

2. Petitioner is the accused in Crime No.340 of 2015 of Kayamkulam Police station. He is alleged to have committed the offence under Sec.306 of Indian Penal Code. His brother and sister-in-law committed suicide. The prosecution case is that it was the cruelty of the petitioner that prompted them to commit suicide.

3. Heard both sides.

4. Learned counsel submits that Sec.306 IPC is not attracted even if all the allegations of the prosecution are true.

5. I have perused the copy of the suicide note. What is stated in it is that the petitioner along with two goondas assaulted the deceased in the presence of their two year old child. That was the reason for his and his wife's committed suicide. The postmortem certificate reveals that the deceased had no external injuries. It is very doubtful whether Sec.306 IPC is attracted. Hence I

am inclined to grant the prayer of the petitioner.

In the result, the bail application is allowed.

1) The petitioner shall be released on bail after interrogation on his executing a bond for Rs.25,000/- (Rupees Twenty five thousand only) with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

2) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

3) He shall not destroy or tamper with evidence.

4) He shall not intimidate or attempt to influence the witnesses.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-  
**K. ABRAHAM MATHEW**  
**JUDGE**

/ True Copy /  
P.A. To Judge