

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

FRIDAY, THE 17TH DAY OF APRIL 2015/27TH CHAITHRA, 1937

Bail Appl..No. 1807 of 2015 ()

CRIME NO. 2242/2013 OF PARIPPALLY POLICE STATION, KOLLAM

PETITIONER(S)/1ST ACCUSED :-

KAILASH, AGED 30 YEARS
S/O. CHANDRAN PILLAI, ANJANAM, SREERAMAPURAM DESOM
KALLUVATHUKKAL VILLAGE, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S)/COMPLAINANT :-

STATE OF KERALA
REPRESENTED BY THE STATION HOUSE OFFICER
PARIPPALLY POLICE STATION, KOLLAM DISTRICT
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SMT.SEENA RAMAKRISHNAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

jvt

C.T.RAVIKUMAR, J

B.A.No. 1807 of 2015

Dated this the 17th April, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the first accused in Crime No.2242/2013 of Parippally Police Station in Kollam District registered for the offences punishable under Sections 498A and 494 read with Section 34 of Indian Penal Code and he apprehends arrest in connection with the said crime.

3. The case of prosecution is that on 11.12.2005, without consent of the defacto complainant the petitioner entered into sexual intercourse with her on the assurance that he would marry her and that too, after giving a Thali Chain to make it appear that the marriage is solemnised. Accused 2 and 3, on several occasions, made all arrangements to the petitioner and the defacto

complainant to have sexual intercourse. On 13.4.2009, the petitioner entered into a marriage agreement with the defacto complainant and evidently thereafter they were living as husband and wife. The defacto complainant has subsequently filed O.P.Nos. 251 and 257 of 2014 before the Family Court respectively seeking a declaration that the marriage was null and void and for recovery of gold ornaments and money.

4. The prosecution case would reveal that the allegations pertain to an incident which allegedly occurred on 11.12.2005 and subsequently on 1.7.2007. It was thereafter that they entered into a marriage agreement on 13.4.2009 and started living together as wife and husband. From the above facts it is clear that some ceremonies of marriage were performed and thereafter the petitioner and the defacto complainant were living as husband and wife.

5. Taking into account all the above circumstances, including the fact that accused 2 and 3 were already enlarged on bail by this Court, I am of the view that this

application can be allowed subject to the following conditions:

- I. In the event of the petitioner's arrest, he shall be released on bail on the same day itself on his executing a bond for ₹50,000/- (Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer, after conducting interrogation, if necessary.
- II. The petitioner shall report before the Investigating Officer on all Saturdays between 10 a.m and 12 noon for a period of two months and thereafter, as and when required by the Investigating Officer till the final report is laid.
- III. The petitioner shall not leave the limits of Kollam District without obtaining permission of the Investigating Officer.
- IV. The petitioner shall not tamper with evidence or influence the witnesses or intimidate them or commit any offence while on bail.

**Sd/-
C.T.RAVIKUMAR
JUDGE**

vgs17/4/15