

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

Bail Appl..No. 1959 of 2015

CRIME NO. 830/2014 OF FEROKE POLICE STATION , KOZHIKODE

APPLICANT/ACCUSED:

**PRAJEESH THIRUTHIYIL, AGED 40 YEARS,
S/O LATE PRABHAKARAN, "THARANGAM"
GURUVAYOORAPPAN COLLEGE.P.O, KOZHIKODE.**

**BY ADVS.SRI.M.REVIKRISHNAN
SRI.VIPIN NARAYAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA. R.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

Bail Appl. No.1959 of 2015

Dated this the 2nd day of June 2015

O R D E R

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

2. The petitioner apprehends that he will be arrested by the Police on the allegation that he has committed the offence under Sec.306 of Indian Penal Code. The deceased was a married woman. The prosecution version is that the petitioner, who also is married, made a promise to her that both of them would get divorce so that they might marry. The promise by the petitioner was false. So she committed suicide.

3. Heard both sides.

4. The prosecution does not dispute that the petitioner is married and has two children. The deceased also was married. They had illicit relationship. It is very difficult to believe that the deceased who was an educated woman entered into an illicit relationship on the promise that the petitioner would marry her. Merely because the petitioner was immoral this Court cannot take the view that he is responsible for the death of the deceased. The suicide note only discloses the immoral

relationship between the persons concerned. This is a fit case to grant anticipatory bail to the petitioner.

In the result, this 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 between 10.00 a.m and 11.00 a.m. on every day for two weeks and thereafter on every Friday for two months, or till the final report is filed, whichever is earlier.

3) He shall not destroy or tamper with evidence.

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

K. ABRAHAM MATHEW
JUDGE