

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2155 of 2015

**CRIME NO. 321/2015 OF MULANTHURUTHY POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED :

- 1. VIJAYA MOHAN K.C., AGED 30 YEARS,
S/O.CHANDRA MOHAN.K.K, KARINCHAT HOUSE, ARIYANNUR.P.O.,
KANDANASSERY PANCHAYAT, THRISSUR DISTRICT- 680 102.**
- 2. CHANDRA MOHAN.K.K., AGED 69 YEARS,
S/O.KARUNAKARAN, KARINCHAT HOUSE, ARIYANNUR P.O.,
KANDANASSERY PANCHAYAT, THRISSUR DISTRICT- 680 102**
- 3. REMA DEVI V.V, AGED 59 YEARS,
W/O.CHANDRA MOHAN K.K, KARINCHAT HOUSE, ARIYANNUR P.O.,
KANDANASSERY PANCHAYAT, THRISSUR DISTRICT- 680 102.**
- 4. VISHNU MOHAN K.C., AGED 28 YEARS,
S/O.CHANDRA MOHAN K.K., KARINCHAT HOUSE, ARIYANNUR P.O.,
KANDANASSERY PANCHAYAT, THRISSUR DISTRICT- 680 102.**

**BY ADVS.SRI.ZAKEER HUSSAIN
SRI.V.TEKCHAND**

RESPONDENT(S)/COMPLAINANT/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI- 31.**
- 2. SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION, ERNAKULAM DISTRICT.**

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

P. UBAID, J.

Bail Appl. No.2155 of 2015

Dated this the 8th day of May 2015

O R D E R

The petitioners herein seek pre arrest bail under Section 438 of the Code of Criminal Procedure on the apprehension of arrest in connection with Crime No.321 of 2015 of the Mulanthuruthy Police Station registered under Section 498A of the Indian Penal Code.

2. This is a case involving the offence punishable under Sec.498A of the Indian Penal Code. The genuineness of the allegations of cruelty will have to be decided by the Trial Court on trial.

3. This application for pre arrest bail is opposed by the learned Public Prosecutor on the ground that the custodial interrogation of the petitioners is absolutely necessary as part of investigation, and that the accused are now released, it will definitely obstruct the proper and effective investigation.

4. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in the crime is practically over, and that the petitioners can be granted pre arrest bail. On a perusal of the case diary, I find

that the investigating officer has already questioned the material witnesses. In the particular facts and circumstances, and in the nature of the allegations, and also the nature of the materials required for prosecution, I find that custodial interrogation of the petitioners is not necessary in this case. This is not a case where something will have to be collected for prosecution by way of custodial interrogation. I find that the police has gone a long way with investigation. I do not find the necessity of detention of the petitioners in custody for the purpose of investigation in the above circumstances. It will suffice that the petitioners are directed to report before the investigating officer periodically. However, some other conditions are also felt necessary.

4. In the result, this petition for pre arrest bail is allowed. The petitioners are ordered to be released on bail on their executing bond with two solvent sureties for 25,000/- (Rupees twenty five thousand only) each to the satisfaction of the arresting officer or the learned Magistrate having jurisdiction, in case of their arrest in connection with Crime No.321 of 2015 of the Mulanthuruthy Police Station. Bail is granted on condition that;

a) The first petitioner shall report before the

investigating officer between 10 am. and 11 am on all Thursdays for a period of two months and the others shall report as and when required.

b) The petitioners shall not in any manner influence or intimidate the material witnesses, or they shall not have any contact with the material witnesses directly or over telephone or otherwise.

Sd/-
P. UBAID
JUDGE

/ True Copy /

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P.A.To Judge