

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN

TUESDAY, THE 5TH DAY OF MAY 2015/15TH VAISAKHA, 1937

Bail Appl..No. 2222 of 2015 ()

CRIME NO. 342/2015 OF MARADU POLICE STATION , ERNAKULAM

PETITIONER/ACCUSED:

JIJU K.J., AGED 29 YEARS,
S/O JOHNI, KOPPANDISSERY HOUSE, PATTANAKKAD,
CHERTHALA, NOW RESIDING AT C/O. TEENA BOBY,
KANDATHIL HOUSE, CHAMBAKKARA, POONITHURA.

BY ADV. SRI.BINDU SREEKUMAR

RESPONDENT 1 & 2/COMPLAINANTS:

1. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COCHIN-31.
2. SUB INSPECTOR OF POLICE,
S.H.O., MARADU POLICE STATION, ERNAKULAM DISTRICT.
- * 3. TIBO N. SHAJU, AGED 32 YEARS,
S/O SHAJU N. VARGHESE, NADAKKAL HOUSE
PUTHUSSERRY ROAD, ERNAKULAM. (DELETED)

(3RD RESPONDENT IS DELETED AS PER ORDER DATED 05.05.2015
IN CRL.M.A.NO. 4310/2015)

R BY SRI. JITHESH, PUBLIC PROSECUTOR

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

K. RAMAKRISHNAN, J.

.....
B.A. No. 2222 of 2015

.....
Dated this the 5th day of May, 2015.

O R D E R

This is an application for regular bail filed by the accused in Crime No.342 of 2015 of Maradu police station under section 439 of the Code of Criminal Procedure.

2. The case of the prosecution in nutshell was that on account of the harassment met by the deceased, who is the daughter of the younger sister of the mother-in-law of the de facto complainant, she committed suicide on 05.04.2015 p.m and thereby he had abetted the suicide of the victim and committed the offences punishable under Sections 306 and 506 of the Indian Penal Code.

3. Smt. Bindu Sreekumar, the counsel for the petitioner submitted that the petitioner has not committed any offence, he is innocent of the same and the offence under Section 306 IPC is not attracted. He is in jail from 07.04.2015 onwards.

4. The application was opposed by the Public Prosecutor on the ground that the ill-treatment of the deceased at the hands of the accused continued even after she was shifted to some other

residence and it is thereafter she committed suicide. If he is released on bail, he is likely to influence the witnesses. Perused the case diary file as well.

5. It is seen from the case diary file that on the basis of the statement given by the de facto complainant, when the suicide committed by the victim girl was informed to the police, the Maradu Police registered Crime No. 342 of 2015 under Section 174 Cr.P.C for unnatural death. Later, during investigation, it was revealed that she committed suicide on account of alleged harassment at the hands of the petitioner and he was threatening that girl wherever she stayed and he was following her and requested her to marry him and it is thereafter the case was converted to one under Section 306 and 506 of the Indian Penal Code and the present petitioner was implicated as the accused and he was arrested on 07.04.2015 and he is in jail from that day onwards. The apprehension of the Prosecutor that if he is released on bail, he is likely to interfere with the investigation can be removed by imposing some stringent conditions. I am not at this stage going into the question as to whether the allegations are sufficient to attract the offence under Section 306 IPC or not as the

investigation is in the preliminary stage and all these are matters to be considered by the Court trying the case. Considering the nature of the allegations, the custody of the petitioner is not required any more in connection with the investigation. So, considering the circumstances, the application is allowed with the following conditions:

1. The petitioner shall be released on bail on executing a bond for ₹ 50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum each to the satisfaction of the Judicial First Magistrate Court-I, Kochi.
2. The petitioner shall appear before the Investigating Officer on the last Saturday of every month between 9 a.m and 10 a.m till the final report is filed.
3. The petitioner shall appear before the Investigating Officer for the purpose of interrogation in connection with the above crime as and when required in writing to do so till the final report is filed.
4. The petitioner shall not intimidate or influence the witnesses.
5. The petitioner shall not enter the jurisdiction of Maradu police station except for the purpose of complying conditions 2 and 3 without getting prior permission from Judicial First Class Magistrate Court-I, Kochi till the final report is filed.
6. The petitioner shall surrender his passport, if any, before the Judicial First Magistrate Court-I, Kochi within one

week from the date of release or if he is not having any passport, file an affidavit to that effect before that court within that time.

7. The petitioner shall not leave Ernakulam district without getting prior permission either from the Judicial First Magistrate Court-I, Kochi or from the court to which the case will be committed for trial till the disposal of the case.

sd/- K. RAMAKRISHNAN, JUDGE.

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