

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 2959 of 2015

CRIME NO. 579/2009 OF CHINGAVANAM POLICE STATION , KOTTAYAM

PETITIONER(S)/3RD ACCUSED:

**K.M.GOPI, S/O.MADHAVAN ,AGED 66 YEARS,
PRABHA NILAYAM, ITHITHANAM (PO),
KURICHI VILLAGE.**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE**

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031,
REPRESENTING THE SUB INSPECTOR OF POLICE,
CHINGAVANAM POLICE STATION, KOTTAYAM DISTRICT.**

**BY ADDITIONAL DIRECTOR GENERAL OF PROSECUTION
SRI.TOM JOSE PADINJAREKKARA**

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 22-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

K. ABRAHAM MATHEW, J.

B.A.No.2959 of 2015

Dated this the 22th day of June, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner apprehends that he will be arrested by the Police in connection with Crime No.579/2009 of Chingavanam Police Station registered for the offences under Sections 301 and 201 of Indian Penal Code. He is the third accused. The other accused are his wife and son. His son reported to the police that his wife was found missing. On the basis of his statement, the police registered a case. Later it was found that he committed her murder by throwing her out of a car in the high ranges. The prosecution case is that the petitioner also is involved in the commission of the offence of murder.

3. Heard.

4. The petitioner's son who is the first accused made a false report to the police that his wife was found missing. The police registered this case. His wife met with an accident while she was travelling as a pillion rider along with him. Thereafter she was unable to move about. Later

the petitioner allegedly took her in a vehicle to the high ranges, gave her some drugs and threw her down the valley which caused her death. The police recovered her bones from the place of occurrence.

5. The petitioner filed an application before the learned Sessions Judge for anticipatory bail. The learned Sessions Judge dismissed the application though he made an observation that there is no prima facie case against the petitioner. I have perused the case diary. The circumstances under which the deceased sustained injuries in an accident are very suspicious. The suggestion is that there was foul play on the part of the first accused and the accident was a false story. He wanted to do away with her. After her sustaining injuries she was not able to move about. Before he murdered her he took her in a car. The petitioner was aware of these facts. It is very difficult to believe that he did not even entertain a doubt about her non appearance. He did not disclose to any one that the deceased was found missing after he left with the first accused. The facts indicate that he was fully aware of the incident. So I cannot fully agree with the learned Sessions

Judge that there is no prima facie case against the Petitioner. There is a ground to suspect his involvement in the incident. Having regard to the nature of the allegations it is not proper to grant him anticipatory bail.

In the result, this application is dismissed.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

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PA to Judge