

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 17TH DAY OF JUNE 2015/27TH JYAISHTA, 1937

Bail Appl..No. 3119 of 2015

**CRIME NO. 705/2015 OF KALAMASSERY POLICE STATION,
ERNAKULAM DISTRICT**

NAME AND ADDRESS OF THE APPLICANT/ACCUSED :

**KHALIL, AGED 34 YEARS,
S/O.ABDUL KHADAR, VALIYAKATH HOUSE,
PANNIYOORKULAM VILLAGE, CHAVAKKAD TALUK,
NEAR VADAKKEKKAD POLICE STATION, THRISSUR DISTRICT.**

BY ADV. SRI.THOMAS J.ANAKKALLUNKAL

NAME AND ADDRESS OF THE RESPONDENT/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
KALAMASSERY POLICE STATION, THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

*** ADDITIONAL R2 IMPEADED**

- 2. SAILAJA V.S., W/O.ASOKKUMAR,
VATTAPARAMBIL, PARUTHIPRA, SHORNUR,
NOW RESIDING AT SREESAILAM, 14, BTS ROAD BYE LANE,
DEVANKULANGARA, EDAPPALLY, ERNAKULAM DISTRICT.**

*** ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 17.06.2015 IN
CRL.M.A.NO.5594 OF 2015.**

**R1 BY PUBLIC PROSECUTOR SRI.C.RASHEED
R2 BY ADVS. SRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SRI.T.V.MATHEWS
SMT.B.SABITHA (DESOM)
SMT.K.JYOTHY**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

K.ABRAHAM MATHEW, J.

B.A.No.3119 of 2015

Dated this the 17th day of June, 2015

ORDER

Petition filed under Section 439(1) Cr.P.C.

2. Petitioner is the accused in Crime No.705 of 2015 of Kalamassery Police Station. He is alleged to have committed the offence punishable under Sections 306 IPC.

3.He is a married man. He had illicit relationship with the deceased who was aged only 22 years. He has been in custody since 19.5.2015.

4. Heard.

5.The learned counsel submits that there is nothing to show that the petitioner abetted suicide of the deceased. The reason stated by the prosecution for the suicide of the deceased is that he forcibly tonsured the head of the deceased.

6. The deceased was a student aged 22 years. The petitioner had no education. He has wife and children. He belongs to another community. In spite of these facts she was residing with him. The house was taken on rent in the name of the mother of the deceased who has also been heard in this proceedings. A perusal of the statement of witnesses recorded under Sections 161 Cr.P.C indicate that the deceased had no complaint about the tonsuring of her head. She was very happy. She had made comments about it to others. Merely because the petitioner has been involved two murder

cases and other cases the court cannot deny him bail.

In the result, this application is allowed.

1. The Petitioner will be released on bail on his executing a bond for Rs.One lakh only with two solvent sureties each for the like sum to the satisfaction of the lower court concerned.

2.The petitioner shall appear before the investigating officer between 10.30 a.m and 11.30 a.m every Friday for six months or till the final report is filed, whichever is earlier.

3.The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he get himself involved in any other criminal case.

4.The petitioner's passport seized by the police shall not be returned to him till the conclusion of the trial.

5.The petitioner shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

In case of violation the lower court concerned is empowered to cancel the bail in accordance with the law.

K.ABRAHAM MATHEW
JUDGE

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