

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937

Bail Appl..No. 3663 of 2015

CRIME NO. 5326/2014 OF PERUMBAVOOR POLICE STATION, ERNAKULAM DISTRICT.

PETITIONER:

**ELDHO PAUL,
S/O.LATE POULOSE, AGED 32 YEARS,
KOLLIYALIL HOUSE, MEPRATHUPADY,
VENGOLA P.O., ARCKAPADY VILLAGE,
KUNNATHUNADU TALUK, PIN - 683 556.
(POLICE STATION: PERUMBAVOOR).**

**BY ADVS.SRI.PAUL JACOB
SRI.K.S.MANU (PUNUKKONNOOR)
SRI.PEARL K.DAVIS
SRI.K.R.MURALI
SRI.M.A.ANZAR**

RESPONDENT:

**STATE OF KERALA,
THROUGH SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION,
PERUMBAVOOR - 683 542,ERNAKULAM DISTRICT,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K.P.JYOTHINDRANATH, J.

.....
B.A. No. 3663 of 2015
.....

Dated this the 30th day of June, 2015

O R D E R

This anticipatory bail application is filed under Section 438 of the Code of Criminal Procedure.

2. The case of the applicant is that he is apprehending arrest and detention in connection with Crime No.5326/2014 of Perumbavoor Police Station, Ernakulam District.

3. When the application came up for hearing, the learned counsel for the applicant submitted before me that the alleged offence is under Section 306 of the Indian Penal Code. It is the submission that the father of the applicant committed suicide. It is also the case of the applicant that he was earlier working abroad and returned to Kerala and is now working as a Mechanic in a private firm. The father of the applicant committed suicide in the night of 13.12.2014. It is the case of the applicant that he was alcoholic and was suffering from mental depression. It is also submitted before me that earlier he had taken his father for treatment at a hospital and was

looking after him properly. To evidence the same, documents are also produced along with the application. It is also the submission that originally a crime was registered under Section 174 of the Code of Criminal Procedure. The information was given by a neighbour. Therein, no suspicion expressed regarding the cause of death.

4. Now, due to some mis-information, the police converted the F.I.R. which was originally registered under Section 174 of the Code, into a crime under Section 306 of the Indian Penal Code. Police is behind the petitioner.

5. I heard the learned Public Prosecutor. The Public Prosecutor submitted before me that the wife of the deceased died in the year 2012. Thereafter, the deceased was not properly looked after by the petitioner herein. It is correct to say that the deceased was having ailment like Asthma. But at the same time he was not properly looked after by the petitioner. There was a death note recovered by the police and during investigation of the unnatural death, it is found out that there is abetment to commit suicide by the petitioner. That is the reason why he is now made accused.

6. After hearing both sides, I feel that this is not a case where Anticipatory bail can be granted. Surely the petitioner can, if so advised, surrender before the police. On production before the Magistrate, if a bail application is moved, untrammelled by the observations made herein, it shall be disposed of expeditiously.

Thus, this anticipatory bail application is dismissed.

Sd/-

K.P.JYOTHINDRANATH
JUDGE

rka

/true copy/

P.S to Judge.

