

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

Bail Appl..No. 4023 of 2015 ()

CRIME NO. 506/2015 OF MANIMALA POLICE STATION, KOTTAYAM DISTRICT.

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PETITIONERS/ACCUSED NO.1 TO 3:

- 1. ANLEY KURIAN THOMAS, S/O. THOMAS KURIAN,
AGED 31 YEARS, OTHARA KUNNEL HOUSE,
KARAIKATTOOR CENTRE P.O, MANIMALA,
KOTTAYAM DISTRICT.**
- 2. THOMAS KURIAN, S/O. KURIAN THOMAS,
AGED 66 YEARS, OTHARA KUNNEL HOUSE,
KARAIKATTOOR CENTRE P.O, MANIMALA,
KOTTAYAM DISTRICT.**
- 3. ROSAMMA THOMAS, W/O. THOMAS KURIAN,
AGED 64 YEARS, OTHARA KUNNEL HOUSE,
KARAIKATTOOR CENTRE P.O, MANIMALA,
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.ARUN.B.VARGHESE,
SRI.JAYKAR.K.S.,
SMT.M.B.DHANYA BABU,
SRI.S.RAJEEV.**

RESPONDENTS/STATE & COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
MANIMALA POLICE STATION,
KOTTAYAM DISTRICT-686 543.**

BY PUBLIC PROSECUTOR SRI.C. RASHEED.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 15-07-2015, ALONG WITH BA. NO.4069 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

K. ABRAHAM MATHEW, J.

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B.A.Nos. 4023 & 4069 of 2015

Dated this the 15th day of July, 2015

COMMON ORDER

Petitions filed under Section 438 Cr.P.C.

2. The petitioner in Bail Application No. 4023 of 2015 is the husband of the first informant and the other petitioners are his parents. The petitioners in Bail Application No. 4069 of 2015 are the first and second accused in the first case. The allegation in the first case is that the accused committed offences under Sections 323 and 498A IPC. They have allegedly assaulted the victim and subjected her to cruelty. In the second case, the allegation is that they assaulted the mother-in-law of the husband with a chopper, causing injuries on her head.

3. Heard.

4. The incident in the two cases is one and the same. It is strange that the police registered two cases at different times, the reasons for which are not known. This itself is a suspicious circumstance.

5. The nature of the injuries sustained by the victim in the

second case indicates that it was not inflicted with a chopper. Though the doctor has expressed an opinion that it could be caused with a sharp edged weapon. This also is a suspicious circumstance. The husband and the wife have been married for three years only. It appears that restoration of harmony to the family is not impossible. If the petitioners happen to be detained, this will not be possible. So, I am inclined to grant their prayer.

In the result, these applications are allowed.

- 1)The petitioners shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum if they are arrested by the Police in connection with these two cases.*
- 2)The petitioners shall surrender their passports before the lower court concerned or if they do not have one, they shall file affidavits to that effect within five days of their release.*
- 3)They shall not leave India without the previous permission of the court of enquiry or trial court, as the case may be.*
- 4)They shall appear before the Investigating Officer for interrogation if they are so required by him in writing.*
- 5)They shall not intimidate or attempt to influence the witnesses.*
- 6)They shall not destroy or tamper with evidence.*
- 7)They shall not get themselves involved in any other*

criminal case while they are on bail.

8) They shall not harass the victims.

If the petitioners surrender before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law.

Sd/-

**K. ABRAHAM MATHEW,
JUDGE**

DST

//True copy//

P.A. To Judge