

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

Bail Appl..No. 4695 of 2015

**CRIME NO.1046 OF 2015 OF ERNAKULAM NORTH POLICE STATION ,
ERNAKULAM DISTRICT**

PETITIONER(S)/ACCUSED :

**NARENDRANATH .C, AGED 63 YEARS,
S/O.LATE BALAKRISHNAN, FLAT NO.807
NATIONAL HERITAGE APARTMENT, SRM ROAD, PACHALAM,
ERNAKULAM-682 012.**

**BY ADVS.SRI.K.P.SURESH KUMAR
SRI.M.M.MATHEW (MANNOOR ETTONNIL)
SRI.P.R.VIJAYAKUMAR**

RESPONDENT(S)/COMPLAINANT :

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**

*** ADDITIONAL R2 IMPEADED**

- 2. PRABHA V.S., AGED 58 YEARS,
FLAT NO.807, NATIONAL HERITAGE APARTMENT, SRM ROAD,
PACHALAM, ERNAKULAM- 682 012, NOW TEMPORARILY
RESIDING AT THAYIL HOUSE, PUTHUKKALAVATTOM,
MASJID ROAD, ELAMAKKARA- 682 026.**

*** ADDITIONAL R2 IS IMPEADED AS PER ORDER DATED 10.08.2015 IN
CRL.M.A.NO.7802 OF 2015.**

**R1 BY PUBLIC PROSECUTOR SRI.JIBU.P.THOMAS
ADDL.R2 BY ADV. SMT.ASHA ELIZABETH MATHEW**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K.ABRAHAM MATHEW, J

B.A.NO.4695 OF 2015

dated this the 10th day of August, 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1046 of 2015 of Ernakulam Town Police Station, Ernakulam District. He is said to have committed the offence under Section 498A of the Indian Penal Code.

3. It is alleged that he subjected the victim who is his wife to cruelty.

4. Heard the learned counsel for the petitioner and the victim and the learned Public Prosecutor.

5. The petitioner is aged 63 and the victim 58. This is the second marriage of the petitioner. It is submitted by the learned counsel for the victim that the petitioner is an addict of liquor and he subjects her to cruelty and he has already misappropriated her gold ornaments and money. She is now residing in a hostel as she apprehends danger to herself. In spite of all these facts I am inclined to grant him anticipatory bail but suitable conditions will be imposed.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation

on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer between 10 a.m and 11. a.m every day for two weeks and thereafter every Thursday till the conclusion of the investigation.

3. He shall deposit in the trial court Rs.13,000/- (Rupees Thirteen thousand only) before 10th of every month so that the victim may find out an accommodation for herself. She is allowed to withdraw the amount.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall continue to pay the victim Rs.20,000/- (Rupees twenty thousand only) on the first day of every month as her remuneration as an employee of his proprietary concern.

6. He shall surrender his passport before the lower court concerned of if he does not have one, he shall file an affidavit to that effect within five days of his release.

7. He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.

The learned Magistrate is empowered to make any modification in all or any of the above conditions.

It is made clear that this order will not affect the victim's right

to claim maintenance.

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

Sd/-
K.ABRAHAM MATHEW,
JUDGE

R.AV

//True Copy//

PA to Judge