

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937

Bail Appl..No. 5687 of 2015 ()

CRIME NO. 928/2014 OF PARIYARAM POLICE STATION, KANNUR

PETITIONERS/ACCUSED 1 TO 3:

1. M.GOVINDAN NAMBOOTHIRI, AGED 66 YEARS
S/O. MADHAVAN NAMBOOTHIRI
THAZHAMANA PRANAVAM VEETIL, VALIYAKUZI MURIYIL
MUTTOM P.O., ALAPPUZHA.
2. D.SARALA DEVI, AGED 60 YEARS
W/O. GOVINDAN NAMBOOTHIRI, DO.
3. K.NARAYANAN NAMBOOTHIRI, AGED 69 YEARS
S/O. KDSAVAN NAMBOOTHIRI, THAMARAYIL MADOM
PANMANAYIL P.O., CHAVARA, KOLLAM.

BY ADVS.SRI.R.SUNIL KUMAR
SMT.A.SALINI LAL

RESPONDENT(S) /COMPLAINANTS:

STATE OF KERALA
REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA THROUGH S.I OF POLICE
PARIYARAM POLICE STATION.

R BY PUBLIC PROSECUTOR SRI.C.RASHEED.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
25-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SCL.

B. SUDHEENDRA KUMAR, J.

B.A. No.5687 of 2015

Dated this the 25th day of September, 2015.

ORDER

The petitioners are the accused in Crime No.928/2014 of Pariyaram Police Station registered under Section 420 r/w 34 IPC.

2. The prosecution allegation can be briefly stated as follows:

Even though the fourth accused was the adopted daughter of accused Nos.1 and 2, they concealed the said fact from the de facto complainant and arranged the marriage between the de facto complainant and the fourth accused. Thereafter, the fourth accused eloped with another boy. It is alleged that before the marriage between the fourth accused and the de facto complainant, the fourth accused developed the relationship with that boy. On the said allegations, a private complaint was filed by the de facto complainant before the court of the Judicial Magistrate of First Class, Payyannur.

The learned magistrate forwarded the complaint to the police for investigation and report under Section 156 (3) of Cr.P.C.

3. The petitioners have filed this application under Section 438 Cr.P.C.

4. Heard. The learned Public Prosecutor has no serious objection in allowing this application.

5. Considering the facts and circumstances of the case, I am of the view that the custodial interrogation of the petitioners is not necessary for the progress of investigation of this case. In the said circumstances, an order under Section 438 Cr.PC in favour of the petitioners will be justified in this case.

6. In the result, this bail application stands allowed and the respondent is directed to release the petitioners on bail in the event of their arrest in crime No.928/2014 of Pariyaram Police Station, on condition of each of the petitioners executing a bond for Rs.25,000/- (rupees twenty five thousand only) each with two solvent sureties each, each

for the like sum to the satisfaction of the Sub Inspector of Police, Pariyaram Police Station, before whom the petitioners shall surrender within 10 days from today, if not already arrested, and subject to the following further conditions:

- 1) The petitioners shall report before the investigating officer as and when required by the investigating officer in writing.
- 2) The petitioners shall not get involved in any offence while they are on bail.
- 3) The petitioners shall not intimidate or influence the witnesses or in any way tamper with the investigation.

Sd/-
B. SUDHEENDRA KUMAR
JUDGE

Scl.

True Copy

PA to Judge