

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 5691 of 2015

CRIME NO. 264/2007 OF VALANCHERY POLICE STATION, MALAPPURAM

PETITIONER(S)/ACCUSED:

**C.P.SUDHEER, AGED 42 YEARS,
S/O.KUTTIRAMAN NAIR, ARAYIKKAL KOTTIRI HOUSE,
'SREYAS' THOZHUVANUR AMSOM DESOM,
MALAPPURAM DISTRICT., NOW RESIDING AT:
F1-SURYA RESIDENCY APARTMENT,
ABHILASH CORNER, PUTHURKARA DESOM, AYYANTHOLE-P.O,
TRICHUR DISTRICT.**

**BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI**

RESPONDENT(S)/STATE:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (REPRESENTING SUB INSPECTOR OF POLICE
VALANCHERY POLICE STATION,
MALAPPURAM DISTRICT), PIN 682031.**

BY PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.5691 of 2015

Dated this the 17th day of November 2015

ORDER

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the sole accused in Crime No.264 of 2007 of Valanchery Police station registered for the offences punishable under Secs.306 and 498A of the Indian Penal Code. Prosecution case in short is that, the petitioner's wife committed suicide on 02.07.2007. It was allegedly on account of the torture and ill treatment meted out to her during their matrimony.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. The petitioner stood a trial for the offences under Secs.306 and 498A IPC. He has been acquitted. Thereafter, strangely the mother in law of the petitioner came forward with a petition that the son of the accused, who was a small child at the time of the incident, subsequently disclosed that the offence committed by the petitioner was a homicide and on that revelation, learned

Magistrate passed an order in C.M.P. No.3328 of 2014 dated 26.03.2014. Learned counsel submitted that the entire steps taken in this regard are illegal.

Considering the fact that the petitioner stood trial earlier, following directions are issued.

1. The petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation.

2. In the event of arrest, the petitioner shall be released on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed to do so in writing.

4. The petitioner shall not intimidate or attempt to influence the witnesses, nor

shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE
/ True Copy /

NS/17/11/2015

P.A. To Judge