

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5720 of 2015

ORDER IN CRMC 1867/2015 OF THE SESSIONS COURT, THRISSUR DATED 09-09-2015
CRIME NO. 1389/2015 OF PERAMANGALAM POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED:

SHANMUGHAN AGED 45 YEARS
S/O.SANKURU, KOLOTHUMPARAMBIL HOUSE
PUZHAKKAL P.O., THRISSUR.

BY ADVS.SRI.C.HARIKUMAR
SRI.RENJITH RAJAPPAN

RESPONDENT(S)/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM - 682 031.

BY PUBLIC PROSECUTOR SMT.S.HYMA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

Bail Appl..No. 5720 of 2015

APPENDIX

ANNEXURE

A1- CERTIFIED COPY OF THE ORDER IN CRL.M.C.1867 OF 2015 DATED 9.9.2015 OF THE HONOURABLE SESSIONS COURT, THRISSUR.

//True copy//

P.S. To Judge

RAJA VIJAYARAGHAVAN.V. J

B.A.5720 of 2015

Dated 19th October, 2015

ORDER

- 1.This petition is filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.
- 2.The petitioner is the sole accused in Crime No.1389 of 2015 of the Peramangalam police station. The aforesaid crime has been registered against the petitioner u/s 341, 325 and 498(A) of the IPC.
- 3.The prosecution allegation is that on 20.8.2015 at 5.30 a.m, the petitioner wrongfully restrained his wife and pushed her, as a result of which she had fallen down and sustained a fracture on her back bone .

4. Heard the learned counsel for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner has submitted that the petitioner had married the informant 17 years back and they have two sons in the said wedlock. It is submitted that the incident had occurred at 5.30 a.m on 20.8.2015 and the prosecution allegation that the petitioner had pushed her down resulting in injuries, is not correct. It was further contented that the fall was accidental and the long unblemished matrimonial relationship amply signifies that the allegations raised against the petitioner are false .

6. The learned Public Prosecutor on the other hand, submitted that pursuant to the incident, the informant has moved the learned Magistrate under the provisions of the Protection of Women from

Domestic Violence Act and had secured favourable orders.

7. After having considered the relative conduct of the parties and the fact that they have been married for 17 years and are the parents of two sons, I am of the considered view that this not a fit case where custodial interrogation is warranted.

8. In view of the above, the Bail application is allowed subject to the following conditions:-

i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make himself available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

vii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
RAJA VIJAYARAGHAVAN.V.
Judge

MrCs

//True copy//

P.S. To Judge