

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5937 of 2015

CRIME NO. 1337/2014 OF KOLLANGODE POLICE STATION , PALAKKAD

PETITIONER(S)/FIRST ACCUSED :

**JAYANANDAN, AGED 41 YEARS,
S/O.ARUCHAMI, RESIDING AT CHENNIYAM PALLAM,
VADAVANNUR VILLAGE, CHITTUR TALUK, PALAKKAD DISTRICT.**

BY ADV. SRI.R.MANIKANTAN

RESPONDENT(S)/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR OF POLICE,
KOLLANGODE POLICE STATION, PALAKKAD DISTRICT-678 102.**

BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5937 of 2015

Dated this the 14th day of October, 2015

O R D E R

This is an application for anticipatory bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner is the first accused in Crime No.1337/2014 of Kollengode Police Station. The said crime has been registered under S.498A and S.306 of the IPC.

3. The allegation is that on 16.11.2014 at 9.00 a.m., Vanaja, the wife of the petitioner committed suicide by hanging at the matrimonial home. It was based on the statement furnished by Vanadas, the brother of deceased Vanaja, that the aforesaid crime was registered under initially u/s .174 of the Code of Criminal Procedure.

4. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel for the petitioner has submitted that the petitioner had married deceased Vanaja in the year 2005 and they had been living together as husband and wife since then. No issues were born in the said wedlock. According to the learned counsel, the deceased was in a very stressed mental stage and was frustrated. It was submitted that there was no occasion for the petitioner to harass Vanaja either mentally or physically and there were no disputes in between the petitioner and the deceased .The implication of the petitioner under S.306 of the IPC is not based on actual facts is the submission.

6. The learned Public Prosecutor has opposed the application and has submitted that the postmortem report reveals that Vanaja had sustained 7 ante-mortem injuries on the face, right elbow, right buttock and left knee. All

these injuries were sustained by Vanaja between 24 hours and 72 hours prior to her death. Relying on the statement of the Doctor, the learned Public Prosecutor submitted that the petitioner herein had assaulted Vanaja for or in connection with demand for dowry and it was due to the persistent harassment meted out to the deceased that she had decided to put an end to her life.

7. The learned Public Prosecutor has also handed over the case diary for perusal. I have evaluated the materials in the case diary and I am of the considered view that this is not a fit case in which an order of anticipatory bail can be granted to the petitioner herein.

In view of the above, the application shall stand dismissed.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

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[True copy]

P.A to Judge