

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

Bail Appl..No. 6525 of 2015 ()

CRIME NO. 2316/2015 OF KODUNGALLUR POLICE STATION, THRISSUR DISTRICT

PETITIONERS/ACCUSED 2 AND 3 :

- 1. HANEEFA, AGED 63 YEARS
S/O.KUNJI POKKARKUTTY, KARUKAPADATH KUNJITHAICHALIL
KARA DESOM, EDAVILAGU VILLAGE, KODUNGALLUR TALUK.**
- 2. JAMEELA, AGED 56 YEARS
W/O.HANEEFA, KARUKAPADATH KUNJITHAICHALIL
KARA DESOM, EDAVILAGU VILLAGE, KODUNGALLUR TALUK.**

**BY ADVS.SRI.P.M.ABDUL JALEEL (KODUNGALLUR)
SRI.T.V.SHAJI
SRI.K.N.MUHAMMED THANVEER**

RESPONDENTS/STATE & COMPLAINANT :

- 1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**
- 2. SUB INSPECTOR OF POLICE
KODUNGALLUR POLICE STATION
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.**

R1 & R2 BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.6525 of 2015

Dated this the 26th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor. It is submitted by the learned Public Prosecutor that the second petitioner is not an accused. Hence, application under Section 438 Cr.P.C in so far as the second petitioner is concerned has become infructuous.

3. First petitioner is the second accused in Crime No.2316/2015 of Kodungallur Police Station registered for offences punishable under Sections 498A, 406 and 200 r/w Section 34 I.P.C. A private complaint filed was forwarded to police for investigation. After hearing the counsel on both sides and also on perusing the materials in the case diary, I am of the view that custodial interrogation is not necessary in this case.

Hence, bail can be granted to the first petitioner with following strict conditions :

1. First Petitioner shall surrender before the investigating officer within a period of one week from today and submit himself for interrogation. In that event, he shall be released on bail on 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.
2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge