

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

Bail Appl..No. 6532 of 2015 ()

CRIME NO. 1410/2015 OF ENATHU POLICE STATION, KOLLAM DISTRICT

PETITIONER/ACCUSED :

**VARGHESE MATHAI @ JOSE, 45 YEARS
S/O.MATHAI, MULAYAMADATHIL HOUSE, MANAPPURAM
PUTHUSHERI BHAGOM, ENATHU VILLAGE,
PATHANAMTHITTA.**

BY ADV. SRI.SYAM J. SAM

RESPONDENT/COMPLAINANT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A No.6532 of 2015

Dated this the 3rd day of November, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the sole accused in Crime No.1410/2015 of Enathu Police Station registered for offences punishable under Sections 324, 326 and 307 I.P.C.

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

4. Prosecution case, in short, is that on 24-09-2015 at about 23.30 hours, the accused with the intention to cause death of his wife, smothered the defacto complainant with a pillow while she was sleeping. He inflicted a blow on the back side of her neck with a chopper. The petitioner was arrested on 26-09-2015.

5. Investigation has advanced to a considerable extent. Considering the fact that the defacto complainant is the husband

of the victim and also the number of days in custody, I find that bail can be granted to this petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until the final report is filed.
4. The petitioner shall not enter the limits of Enathu Police Station for a period of three months except for the purpose of appearing before the court/investigating officer.

5. The petitioner shall not indulge in any offence while on bail.
6. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

amk

PA to Judge