

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

Bail Appl..No. 6811 of 2015

CRIME NO. 569/2015 OF NEDUMUDI POLICE STATION.
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PETITIONER(S)/1ST AND 2ND ACCUSED:

- 1. RATHEESH, AGED 29 YEARS,
S/O.RAVI, VALIYATHARA HOUSE, RAMANKARY,
CHAMBAKULAM, ALAPPUZHA, PIN - 689 595.**
- 2. RAJAMMA, AGED 49 YEARS, W/O.RAVI,
VALIYATHARA HOUSE, RAMANKARY,
CHAMBAKULAM, ALAPPUZHA, PIN - 689 595.**

BY ADV. SRI.KISHOR B.

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
THROUGH THE SUB INSPECTOR OF POLICE,
NEDUMUDI POLICE STATION, ALAPPUZHA DISTRICT,
REPRESENTED BY THE PUBLIC PROSEUCTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A. HARIPRASAD, J.

Bail Appl. No.6811 of 2015

Dated this the 23rd day of November 2015

O R D E R

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

2. Petitioners are accused nos.1 and 2 in Crime No.569 of 2015 of Nedumudi Police station registered for the offence punishable under Sec.306 read with Sec.34 of the Indian Penal Code. Originally the case was registered under Sec.174 Cr.P.C. Later, the investigation revealed that the petitioners, who are the husband and mother in law of the deceased, on various days, harassed the victim and ultimately she committed suicide by hanging, leaving behind her 1½ year old child. The incident was on 01.10.2015.

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

4. Learned counsel for the petitioners contended that there is no case for the prosecution that the petitioners ever abetted commission of the suicide of the deceased. The term “abetment” is defined under

Sec.107 IPC. Explanation 2 read along with Sec.306 IPC and the statement of the witnesses in the case diary prima facie indicate the involvement of the petitioners in the crime.

Considering the nature of allegations, I am not inclined to grant pre arrest bail to the petitioners. Hence, following directions are issued.

The petitioners shall surrender before the Investigating Officer within a period of two weeks from today and submit themselves for interrogation. After questioning, the Investigating Officer shall produce the petitioners before the learned Magistrate having jurisdiction on the date of surrender itself. Thereafter, the petitioners are free to move for bail before the learned Magistrate and in that event, the learned Magistrate may consider the application on merits if possible on the date of

surrender itself. If the petitioners do not comply with the direction of surrender within a period of two weeks, the Police is free to arrest the petitioners as if no order is passed by this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/23/11/2015

P.A. To Judge