

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Bail Appl..No. 7149 of 2015

CRIME NO. 2371/2015 OF CHALAKKUDY POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED:

1. ARUN JOHN DANIEL, AGED 30 YEARS,
S/O. DANIEL, MATHIRIPPIL HOUSE, VETTUKADAVU ROAD,
CHALAKKUDY.
2. DANIEL JOHN, AGED 65 YEARS,
S/O. JOHN M.V, MATHIRIPPIL HOUSE, VETTUKADAVU ROAD,
CHALAKKUDY.
3. ANNAMMA DANIEL, AGED 54 YEARS,
W/O. DANIEL JOHN, MATHIRIPPIL HOUSE, VETTUKADAVU ROAD,
CHALAKKUDY.

BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.THOMAS J.ANAKKALLUNKAL
SRI.VIPIN NARAYAN

RESPONDENT(S)/COMPLAINANT:

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

* ADDL.R2 IMPEADED

2. BABU JACOB, S/O.JACOB, AGED 54 YEARS,
THENGUVILAYIL, VALIYODE P.O,
KOTTARAKKARA, KOLLAM-691520.

ADDL.R2 IMPEADED AS PER ORDER DATED 20/11/2015 IN
CRL.MA.10781/2015

R1 BY PUBLIC PROSECUTOR SMT.T.Y.LALIZA
R2 BY ADV. SMT.R.K.ASHAY
SRI.LINDONS C.DAVIS
SMT.E.U.DHANYA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PJ

A.HARIPRASAD, J.

B.A.No.7149 of 2015

Dated this the 20th day of November, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. The petitioners are accused in Chalakkudy Police Station in Crime No.2371/2015 initially registered under Section 174 of the Code of Criminal Procedure and now altered to Section 304 B and 498 of Indian Penal Code.

3. Heard the senior counsel for the petitioner, learned counsel for the de facto complainant and the learned Public Prosecutor.

4. I have carefully perused the case diary. The prosecution case is that, on 24-10-2015 at dawn, the deceased Senaha committed suicide due to depression by jumping into a well. The body was recovered after sometime and it was found that she died by that time. The learned counsel for the de facto complainant contended that the himself and his household have

serious suspicious about the cause of death. Deceased was a post graduate in Biotechnology and aspiring to go to United Kingdom in search of an employment. The first accused is the husband of the deceased. He is a physiotherapist, who was studied in England. Normally, she would not have committed the suicide. It is the consistent case of the de facto complainant that both of them were taking active steps to go abroad. It is the prosecution case is that the deceased was depressed on account of the delay in processing of Visa and other papers. It is come out in an evidence that the deceased had a small child aged nearly 2 years.

5. Learned senior counsel for the petitioner contended that in the marital life of the first accused and the deceased person there was no discordance. The deceased was gloomy and she out of depression might have committed suicide is the case of the accused.

6. The matter is at an early stage of the investigation. The learned Public Prosecutor submitted that e-mails sent by the deceased to her friends were

recovered. Considering the nature of allegations and that the presence of the accused persons are highly essential for questioning, the following directions are issued.

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for Rs.50,000/- (Rupees Fifty Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) Each petitioner shall surrender their passports forthwith. If they do not have a Passport they shall swear to an affidavit stating that fact and it shall be filed before the Magistrate having the jurisdiction.

- (d) The petitioners shall co-operate with the investigation of the case.
- (e) The petitioners shall not intimidate or attempt to influence the witnesses.
- (f) The petitioners shall not in any manner interfere or meddle with the investigation.
- (g) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AVS

// TRUE COPY//

PA. TO JUDGE

B.A.NOo.7149 of 2015

-:5:-

2. Petitioners are the accused in Crime No.338 of 2015 of Balusserry Police Station registered for the offences punishable under Sections 420, 447, 468 and 471 r/w Section 34 of the Indian Penal Code.

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

4. Learned counsel for the petitioners submitted that this is a false case filed against the petitioners. Actually, there is a civil dispute between the parties. First accused in the crime filed the suit in O.S.No.139 of 2015 before the Munsiff's Court, Koyilandy and the matter is pending before that court. On account of the civil dispute a false complaint has been registered.

5. Considering the nature of allegations, I am

inclined to grant anticipatory bail to the petitioners with the following conditions:

- (a) Petitioners shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit themselves for interrogation. Thereafter, they shall be released on bail on their executing a bond for `25,000/- (Rupees Twenty Five Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) The petitioners shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (c) The petitioners shall co-operate with the investigation of the case.
- (d) The petitioners shall not intimidate or attempt to influence the witnesses.
- (e) The petitioners shall not in any manner

interfere or meddle with the investigation.

- (f) Petitioners shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

A.HARIPRASAD, JUDGE.

AS