

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 11TH DAY OF DECEMBER 2015/20TH AGRAHAYANA, 1937

Bail Appl..No. 7688 of 2015

CRIME NO. 2111/2015 OF OLLUR POLICE STATION, THRISSUR

PETITIONER(S)/ACCUSED :

- 1. JUSTIN C.D., AGED 29 YEARS,
S/O. DEVASSY, CHIRAKKEKARAN HOUSE,
ERAVIMANGALAM P.O.,
THRISSUR DISTRICT-680 751.**
- 2. JAIJO C.D., AGED 29 YEARS,
S/O. DEVASSY, CHIRAKKEKARAN HOUSE,
ERAVIMANGALAM P.O.,
THRISSUR DISTRICT-680 751.**

BY ADV. SRI.RAJIT

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A. HARIPRASAD, J.

Bail Appl. No.7688 of 2015

Dated this the 11th day of December 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.2111 of 2015 of Ollur Police station registered for the offences punishable under Secs.498A, 354(A), 354(C), 354(D), 377 and 406 read with Sec.34 of the Indian Penal Code, Sec.119(a) of the Kerala Police Act and Sec.66(E) of the Information Technology Act. Prosecution case in brief is as follows:

The defacto complainant was given in marriage to the 1st accused on 20.09.2015. From 24.09.2015 to 27.09.2015, the defacto complainant was harassed by the 1st accused and his family members saying that the dowry and gold ornaments given at the time of marriage were insufficient. The accused persons physically assaulted her and the 1st accused committed sexual offences on her.

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

4. Learned counsel for the petitioners submitted that the matrimonial relationship between the parties is still subsisting. That apart, the messages in WhatsApp and face book show the intimacy of their relationship. The dispute appears to be between the in laws and the defacto complainant.

Considering the entire facts and circumstances, I am of the view that pre arrest bail can be granted to the petitioners with the following condition

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the

Investigating Officer for interrogation as and when directed by him in writing.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/11/12/2015

P.A. To Judge