

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 15TH DAY OF DECEMBER 2015/24TH AGRAHAYANA, 1937

Bail Appl..No. 7780 of 2015 ()

CRIME NO. 2392/2015 OF FORT POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

**MANSOOR ALI, AGED 37 YEARS
S/O. B.H.MAMMI, FLAT NO. 5A, ABAD NORTH STAR
N.K.S ROAD, VADUTHALA P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.S.U.NAZAR
SRI.MANSOOR B.H.**

RESPONDENT/COMPLAINANT/STATE :

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

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

A.HARIPRASAD, J.

B.A. No.7780 of 2015

Dated this the 15th day of December, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner is the accused (husband of the defacto complainant) in Crime No.2392 of 2015 of Fort Police Station, Thiruvananthapuram registered for offences punishable under Sections 294(b) and 506(i) I.P.C and Section 3 r/w Section 31(i) of the Protection of Women from Domestic Violence Act, 2005 (in short 'the Act').

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

3. Prosecution case, in short, is that the petitioner and the defacto complainant reside separately for the last four years. They are fighting many litigations in various courts. It is alleged that the petitioner in defiance of a protection order intimidated the defacto complainant and thereby committed the offence. Section 32 of the Protection of Women from Domestic Violence Act shows that the

offence under Section 31 of the Act is a non bailable offence. Considering the relationship between the parties and the existence of other litigations between them, following directions are issued :

1. Petitioner shall surrender before the investigating officer within a period of two weeks 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.
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