

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Bail Appl..No. 8047 of 2015 ()

CRIME NO. 1127/2015 OF PATTAMBI POLICE STATION , PALAKKAD

PETITIONERS/ACCUSED 1 & 2:

1. DR. ABOOBACKER AGED 42 YEARS
S/O. ALAVI, NADAKAVIL HOUSE, THOZHUVANOOR
VALANCHERI MALAPPURAM DISTRICT NOW RESIDING
AT DOCTORS' QUARTERS
SEVANA HOSPITAL, PATTAMBI.
2. AYISHA, AGED 42 YEARS
W/O. HAMSA, PARAMBIL HOUSE, KALLADIPATTA
ONGALLUR, PATTAMBI TALUK, PALAKKAD DISTRICT.

BY ADVS.SRI.R.SREEHARI
SMT.MERIN THALIATH
SMT.SUJITHA JALEEL

RESPONDENTS/STATE & DEFCTO COMPLAINANT:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM THROUGH THE SUB INSPECTOR OF POLICE
PATTAMBI POLICE STATION, PATTAMBI - 679 303.
2. SAREENA
W/O. DR.ABOOBACKER, NADAKAVIL HOUSE, THOZHUVANOOR
VALANCHERI
MALAPPURAM DISTRICT NOW RESIDING AT PUZHAYORAM GARDENS
NJAGATTIRI, PATTAMBI, PALAKKAD DISTRICT - 679 303.

R BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

= = = = =

B.A. No. 8047 of 2015

= = = = =

Dated this the 22nd day of December, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned Public Prosecutor appearing for the respondents. C.D. Produced.

3. The petitioners are accused 1 and 2 in Crime No.1127 of 2015 of Pattambi Police Station. The offences alleged are under Sections 498A, 341, 323 and 324 read with Section 34 of IPC. Learned counsel for the petitioners submits that the first petitioner is the husband of the de facto complainant. The second petitioner is his sister. The petitioners are innocent of the allegations raised against them. They have no criminal antecedents. In fact, the de facto complainant unleashed violence against the first petitioner for which the Pattambi Police has registered a counter case as Crime No.1130 of 2015 alleging

offences under Sections 448, 341 and 323 of IPC. The custodial interrogation of the petitioners is not required in this case. He further submits that the petitioners apprehend arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case has progressed much. She further submits that no criminal antecedents have been reported against the petitioners. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioners, this Court is of the view that the petitioners can be granted anticipatory bail imposing appropriate conditions.

Therefore, the petitioners are granted anticipatory bail imposing appropriate conditions.

1) The petitioners shall surrender before the Investigating Officer on or before 31.12.2015. In the event of their arrest, they shall be released on bail on their executing bonds for Rs. 25,000/- (Rupees twenty five thousand) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer.

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

5) The petitioners shall not commit any similar offence while on bail.

6) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

ks

**BABU MATHEW P. JOSEPH
JUDGE**