

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.KEMAL PASHA

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

Bail Appl..No.8595 of 2014

**CRIME NO.4572/2014 OF PERUMBAVOOR POLICE STATION,
ERNAKULAM DISTRICT.**

...

PETITIONER/ACCUSED:

**JALEEL,S/O.IBRAHIM,AGED 46 YEARS,
MANNARATHARA HOUSE,NORTH ELOOKARA,
MUPPATHADOM P.O.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA**

RESPONDENT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682031,
REPRESENTING THE SUB INSPECTOR OF POLICE,
PERUMBAVOOR POLICE STATION,ERNAKULAM-683542.**

BY PUBLIC PROSECUTOR SMT.LALIZA T.Y

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

pk

B. KEMAL PASHA, J.

.....
B.A. No.8595 of 2014
.....

Dated this the 9th day of January, 2015

ORDER

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Petition under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.4572/2014 of Perumbavoor Police Station registered for the offence punishable under Section 498A read with Section 306 IPC.

3. Deceased Saboora was given in marriage to the petitioner on 29.04.2001, and two children were born in that wedlock. She was frequently harassed and tortured to the maximum at the matrimonial home and finally, she was thrown out after retaining her children by the petitioner. She had no occasion even to meet her children. She had to prefer litigations under the Protection of Women from Domestic Violence Act etc. Finally, a so-called mediation was conducted and a strange settlement has been entered into. The conditions are very stringent. The petitioner had

offered to accept her and to maintain her after finishing the construction of his house on 05.11.2014. She was not even permitted to meet her children. It is the condition that she should not meet any of her relatives also. It seems that she had willingly accepted those conditions also, may be with a view to have a life with her children.

4. Thereafter, it is alleged that on 05.11.2014, the petitioner called her over the phone and directed her to return only with her school certificates and share from her family. The poor lady had no other go than to commit suicide and she committed suicide by hanging on the branch of a tree behind her family house.

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

6. The contents of the CD *prima facie* reveal the complicity of the petitioner. Even from the mediation settlement agreement, the cruelty meted out towards her is writ large. The said settlement cannot be treated as a

mediation settlement at all as almost all the terms are violative of even basic human rights, which could not have been expected from a mediator. The investigation of this case is not over. The allegations against the petitioner are very grave and serious. Considering the seriousness of the allegations against the petitioner and the present stage of investigation, I am of the view that this is not a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is dismissed.

Sd/-  
**(B.KEMAL PASHA, JUDGE)**

aks/09/01

*// True Copy //*

*PA to Judge*