

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

Bail Appl..No. 8682 of 2014 ()

CRIME NO. 841/2014 OF MANGALAPURAM POLICE STATION, TRIVANDRUM DISTRICT

PETITIONER/ACCUSED NO.1 :

**PRIJILA @ MUNI,
W/O. SAMIL, AGED 32 YEARS
KRISHNA VIHAR, VAKKATHUVILA
KOCHALUMOODU, KIZHUVILAM VILLAGE,
THIRUVANANTHAPURAM.**

**BY SENIOR ADVOCATE DR.K.P.SATHEESAN
BY ADV. SRI.ANOOP.V.NAIR**

RESPONDENT(S) :

- 1. STATE OF KERALA
REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA - 682 031.**
- 2. THE SUB INSPECTOR OF POLICE
MANGALAPURAM POLICE STATION, MANGALAPURAM
THIRUVANANTHAPURAM - 695 001.**

R1 & R2 BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

B.KEMAL PASHA, J

B.A. No.8682 of 2014

Dated this the 7th day of January , 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioner is the first accused in Crime No.841 of 2014 of the Mangalapuram Police station registered for the offence punishable under Sec.306 read with Sec.34 of IPC.

3. A lady named 'Baby' committed suicide by hanging at her house at 1.00 p.m. on 24.07.2014 after preparing and placing a suicide note. It is alleged that the petitioner and her husband, who is the 2nd accused had borrowed an amount of ₹.8 lakhs from the deceased, whose husband is working in gulf. The money was lent by her from the hard earned money of her husband. She had no other bank balance. She had to pay an amount of ₹.4 lakhs for the completion of the studies of her daughter. She was running from pillar to post to get back the amount from the petitioner and her husband. Even though, they sought for adjournments for the repayment at the first instance, later their tone

changed and she was thoroughly intimidated. She was even intimated that steps under 'Kubera' would be initiated against her. Finally, it seems that she has opted to commit suicide.

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

5. Learned Public Prosecutor pointed out that immediately after the incident, the 2nd accused who is the husband of the petitioner has absconded and has gone to gulf. The investigation of the case is not over. The allegation against the petitioner and the 2nd accused are very grave and serious in nature. This is not a fit case wherein anticipatory bail can be granted. Matters being so, this bail application is only to be dismissed, and I do so.

6. In the result, the bail application is dismissed. The learned counsel for the petitioner seeks for an opportunity to the petitioner to surrender before the investigating officer and to co-operate with the investigation. If so advised, the petitioner may surrender before the investigating officer within ten days from today and in such

case, the investigating officer can interrogate the petitioner, effect recovery if any, and conduct the investigation and produce the petitioner without delay before the concerned Judicial First Class Magistrate's Court, where the petitioner can move for bail. In such case, the learned Magistrate shall pass appropriate orders, preferably on the same day itself, provided advance notice on such application has been given to the Assistant Public Prosecutor also.

Sd/-
B.KEMAL PASHA,
JUDGE

/ True Copy /

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P.A. To Judge