

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

Bail Appl..No. 8947 of 2014 ()

CRIME NO. 1340/2014 OF MUNDAKAYAM POLICE STATION , KOTTAYAM DISTRICT

PETITIONER/ACCUSED :

**JIGYMON.U.K., AGED 45 YEARS,
S/O.U.K.KARUNAKARAN, URUMBIL HOUSE,
PUNCHAVAYAL P.O, PAKKANAM, KOTTAYAM.**

**BY ADVS.SRI.K.A.HASSAN
SMT.JULIA PRIYA RESHMY**

RESPONDENT/STATE :

**S.I. OF POLICE,
MUNDAKAYAM POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031**

BY PUBLIC PROSECUTOR SMT. LALIZA.T.Y.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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B.KEMAL PASHA, J.

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B.A. No.8947 of 2014

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Dated this the 27th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No.1340 of 2014 of the Mundakayam Police Station, registered for the offence punishable under Section 498A IPC.

3. The petitioner married the defacto complainant on 18.10.2000. It is alleged that the had tortured and harassed the defacto complainant by demanding more dowry. Finally, she had to approach the court, through an application under Section 12 of the Protection of Women from Domestic Violence Act and obtained protection. While the order was in force and the proceedings were pending, the petitioner approached her for a re-union and she was made to withdraw from the proceedings under the Protection of Women from Domestic Violence Act and she was taken to his house. It is alleged that on 08.12.2014 at 7 p.m., she was severely beaten up and fisted, thereby she had to be hospitalized.

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

5. Even though there was an allegation that she has become injured, a perusal of the wound certificate shows that there were no external injuries at all. Considering the possible chance of re-union and settlement in the matter and being a matrimonial offence, I am of the view that this is a fit case wherein anticipatory bail can be granted to the petitioner.

In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioner, is directed to enlarge the petitioner on bail in the event of his arrest on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties for the like sum each to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

- (i) The petitioner shall report before the investigating officer in between 09.00 a.m. and

11.00 a.m. on all Tuesdays and Fridays commencing from 03.02.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioner shall not tamper with the evidence or influence witnesses.

(iii) The petitioner shall make himself available for interrogation as and when required by the investigating officer.

(iv) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-

**B. KEMAL PASHA
JUDGE**

DSV/27/1/15

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P.A. To Judge

