

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

Bail Appl..No. 9086 of 2014 ()

CRIME NO. 1439/2014 OF KANNUR TOWN POLICE STATION, KANNUR DISTRICT

PETITIONER/ACCUSED :

**ANNAMMA MATHEW, AGED 47 YEARS
D/O. LATE JOHN MATHEW, FLAT NO. 11 (C-159-22) (44)
11TH FLOOR, KANNUR HEIGHTS APARTMENT, BLOCK-1
ONDEN ROAD, OPP. AXIS BANK, KANNUR, KANNUR- 1.
AMSOOM, KANNUR VILLAGE, KANNUR TALUK.**

**BY SENIOR ADVOCATE SRI.M.RAMESH CHANDER
BY ADVS.SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE**

RESPONDENT/COMPLAINANT AND STATE :

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

BY PUBLIC PROSECUTOR SRI. SREEJITH V.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K. ABRAHAM MATHEW, J.

B.A. No.9086 of 2014

Dated this the 13th day of January, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

The petitioner apprehends that she will be made an accused and arrested in connection with crime No.1439/2014 of Kannur Town Police Station, which is registered for the offences under Sections 324, 326, 307 & 450 IPC.

2. The allegation is that the first accused trespassed into the residence of the defacto complainant and assaulted him with an iron rod and attempted to cause his death. The petitioner moved an application under Section 438 Cr.P.C. earlier. In view of the submission of the learned Public Prosecutor that the petitioner was not an accused in the case the bail application was withdrawn. Now the petitioner again apprehends that she will be made an accused and arrested.

3. Heard the learned counsel for the petitioner and

the learned Public Prosecutor.

4. The petitioner is none other than the wife of the de facto complainant. The latter has filed an O.P. before the Family Court for divorce. The petitioner has got a case registered against him for the offence under Section 498A IPC. It appears that there are other disputes also between them. The police even now only suspects that the petitioner also is involved in the incident.

5. Having regard to these facts it is only sufficient to direct that if the Investigating Officer wants to proceed against her a notice under Section 41A Cr.P.C. shall be issued.

In the result, this application is disposed of with a direction to the Investigating Officer to comply Section 41A Cr.P.C. in case the petitioner is required to be proceeded against.

Sd/-
K. ABRAHAM MATHEW
JUDGE
//True copy//
P.A. TO JUDGE

shg/