

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. 9195 of 2014

CRIME NO. 1537/2014 OF PALLITHOTTAM POLICE STATION
.....

PETITIONER(S)/ACCUSED 1-2:

- 1. SHAJIM, AGED 45 YEARS,
S/O.MUHAMMED HANEEFA, N.M.H. HOUSE, BALARAMAPURAM,
THIRUVANANTHAPURAM DISTRICT.**
- 2. REHUMA BEEVI, AGED 74 YEARS,
W/O.LATE MUHAMMED HANEEFA, N.M.H. HOUSE, BALARAMAPURAM,
THIRUVANANTHAPURAM DISTRICT.**

BY ADV. SRI.G.SUDHEER

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY 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
07-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

B.KEMAL PASHA, J.

B.A. No.9195 of 2014

Dated this the 7th day of January, 2015

O R D E R

Petition under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.1537 of 2014 of Pallithottam Police Station registered for the offences punishable under Sections 498A and 323 read with Section 34 IPC.

3. The 2nd petitioner is the mother of the 1st petitioner. The allegation against the petitioners is that, they have tortured and harassed the defacto complainant, who is the wife of the 1st petitioner, and treated her with cruelty by demanding more dowry, after misappropriating her entire gold ornaments and money. It is specifically alleged that the defacto complainant was being brutally beaten on almost every day by the 1st petitioner. More than once, she

had to attend the hospital in connection with such physical torture from the part of the 1st petitioner.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor. Perused the CD. Copies of the wound certificates and treatment certificates are available among the records in the CD. The contents of the CD prima facie reveal the complicity of the petitioners. At the same time, as far as the 2nd petitioner who is the mother of the 1st petitioner is concerned, even though she had assisted the 1st petitioner in carrying out harassment on the defacto complainant, I am of the view that she can be enlarged on bail considering the fact that she is an aged woman. Considering the nature of allegations raised against the 1st petitioner, I am satisfied that he is not entitled to the discretionary relief of anticipatory bail.

5. In the result, this bail application is allowed in part and the investigating officer or such other police officer, who is conducting the arrest of the

2nd petitioner, is directed to enlarge the 2nd petitioner on bail in the event of her arrest on her executing a bond for ₹50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The 2nd petitioner shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Wednesdays and Saturdays, commencing from 14-01-2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The 2nd petitioner shall not tamper with the evidence or influence witnesses.

(iii) The 2nd petitioner shall make herself available for interrogation as and when required by the investigating officer.

(iv) The 2nd 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 granted to the 2nd petitioner. This

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application, as far as the 1st petitioner is concerned,
stands dismissed.

B.KEMAL PASHA,
JUDGE

/ True Copy /

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P.A. To Judge