

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

Cr1.MC.No. 6648 of 2014

CRIME NO. 1793/2013 OF SASTHAMCOTTA POLICE STATION,
KOLLAM

PETITIONER/DEFACTO COMPLAINANT:

M.SHAMSUDEEN, AGED 53 YEARS
S/O MYTHEENKUNJU,
THADATHINTE KIZHAKKETHIL (EDATHARA), KADAPPAMURI,
MUYNAGAPPALLY, KUNNATHOOR, KOLLAM DISTRICT.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS/RESPONDENTS/PETITIONERS/ACCUSED:

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682031.
2. THE SUB INSPECTOR OF POLICE,
SASTHAMCOTTA POLICE STATION, SASTHAMCOTTA,
KOLLAM DISTRICT - 690 526.
3. MUTHU BEEVI, AGED 60 YEARS,
D/O MARIYAM BEEVI,
POOVAMBILLI PUTHENPURAYIL, EDASSERY,
MYNAGAPPALLY, KOLLAM DISTRICT - 690 518.

R1 & R2 BY PUBLIC PROSECUTOR SRI.JUSTIN JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR
ADMISSION ON 22-09-2015, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

Cr1.MC.No. 6648 of 2014

APPENDIX

PETITIONER'S ANNEXURES:

ANNEXURE I: COPY OF THE FIRST INFORMATION REPORT DATED
19.10.2013 IN CRIME NO.1793/2013 BEFORE THE SASTHAOTTA
POLICE STATION.

ANNEXURE II: COPY OF THE FINAL REPORT DATED 30.6.2014 IN
CRIME NO.1793/2013 BEFORE THE SASTHACOTTA POLICE STATION.

ANNEXURE III: COPY OF THE ORDER DATED 5.11.2013 IN BAIL
APPLICATION NO.7276/2013 BEFORE THE HON'BLE HIGH COURT OF
KERALA, ERNAKULAM.

RESPONDENTS' ANNEXURES:

NIL

//TRUE COPY//

P.A TO JUDGE

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P.UBAID, J.

Crl.M.C No.6648 of 2014

Dated this the 22nd day of September, 2015

O R D E R

The 3rd respondent herein is the sole accused in Crime No.1793/2013 of the Sasthamcotta Police Station. The said crime relates to the commission of suicide by the petitioner's daughter some time between 18.10.2013 and 19.10.2013. On 5.11.2013 the 3rd respondent was granted bail by this Court as per the order in B.A No.7276/2013. Bail was granted by the Court on appropriate conditions. Investigation was going on when this Court granted bail to the 3rd respondent. Now it is submitted that the police has submitted final report in the crime on 30.6.2014 under Sections 498A and 306 IPC. The petitioner's grievance is that some more persons are involved as accused in the crime, but they are not seen arraigned as accused in the final report. In such a situation, he seeks orders cancelling the bail granted to the 3rd respondent on 5.11.2013.

2. On hearing both sides, and on a perusal of the materials I find that the petitioner does not have any ground or reason to cancel the bail granted to the 3rd respondent. Just because he has got a grievance that the police has wrongly submitted final report without arraigning the other accused involved in the crime, the Court

cannot cancel the bail granted to the 3rd respondent. In fact bail was granted by this Court on appropriate conditions, to ensure effective investigation. After thorough investigation the police has now submitted final report in court. In such a situation, it would be unjust and inappropriate to cancel the bail on the sole ground that the petitioner believes that some more persons are involved in the crime as accused. An application filed by him for further investigation is now pending before this Court. If at all he has got any such grievance, and if it is genuine, it would be considered by the Court in the other matter. Pendency of such an application, or the fact that the petitioner has a grievance that some others are also involved in the crime, is not at all a ground to cancel the bail. In case further investigation is ordered by the court, and if further interrogation of the 3rd respondent is felt necessary, appropriate measures can be taken by the investigating agency.

In the result, this application is dismissed.

**P.UBAID
JUDGE**

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