IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

TUESDAY, THE 08TH DAY OF DECEMBER 2020 / 17TH AGRAHAYANA, 1942

Bail Appl..No.8069 OF 2020

CRIME NO.1547/2020 OF Kayamkulam Police Station , Alappuzha

PETITIONER/ACCUSED:

KISHOR KUMAR U.
AGED 24 YEARS
ATHIRA BHAVAN,
NADAKAVU,
PERUNGALA,
KAYAMKULAM
PIN-690559

BY ADVS.
SRI.OMAR SALIM
SRI.ABDULLA ZIYAD
KUM. K. REMIYA RAMACHANDRAN
SHRI.SRAVAN M.S.

RESPONDENT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
PIN-682031

R1 BY SRI.RENJITH.T.R., PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08.12.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

Dated this the 8th day of December 2020

This Bail Application filed under Section 438 of Criminal Procedure Code was heard through Video Conference.

2. Petitioner is the accused in Crime No.1547/2020 of Kayamkulam Police Station, Alappuzha. The above case was originally registered under Section 174 of Cr.P.C. Subsequently the offence under Section 306 I.P.C is also added.

3. The prosecution case is that, one Akshaya committed suicide on 19.10.2020. After postmortem ligature mark was found and a suicide note was also recovered. On further enquiry it was found that, the accused to whom the marriage of the deceased was fixed, sent an obscene photograph of the defacto complainant and thereby she was subjected to mental torture. Suicide was the outcome of such a message, is the

prosecution case.

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

5. The learned counsel for the petitioner submitted that, the petitioner already appeared before the Investigating Officer and he was interrogated. The learned counsel for the petitioner also submitted that, the mobile phone of the petitioner is already recovered by the Investigating Officer. The learned counsel for the petitioner submitted that, even if the allegations are accepted the offence under Section 306 I.P.C is not made out. Simply because a photo is forwarded to the girl and she committed suicide because of that photograph, that will not attract the offence under Section 306 I.P.C. The learned counsel for the petitioner submitted that the petitioner is ready to abide any condition, if this Court grants him bail.

6. The learned Public Prosecutor opposed the bail application. The learned Public Prosecutor submitted that, a suicide note is recovered after the suicide of the girl.

7. After hearing both sides, I think this is not a fit case, in which orders u/s.438 Cr.P.C can be passed. At this stage the counsel for the petitioner submitted that the petitioner will surrender before the Investigating Officer and will co-operate with the investigation. Therefore, this bail application is disposed of with the following directions.

1. The petitioner will surrender before the Investigating Officer within ten days from today.

2. If the petitioner surrender before the Investigating Officer, the Investigating Officer can interrogate him. After interrogation if the petitioner is arrested, he will be produced before the jurisdictional court on the same day.

3. At that stage, if any bail application is filed by the petitioner after giving prior notice to the Prosecutor concerned, the Court will

consider the bail application preferably on the date of filing of the same itself.

Sd/-

P.V.KUNHIKRISHNAN

JUDGE

Jms **// True Copy// P.A to Judge**