IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

FRIDAY, THE 12TH DAY OF APRIL 2024 / 23RD CHAITHRA, 1946

BAIL APPL. NO. 2119 OF 2024

CRIME NO.225/2024 OF Ottapalam Police Station, Palakkad

PETITIONER/S:

PRAKASH I.T
AGED 49 YEARS
SON OF M.K SIVASANKARA PANICKER PRIYA NIVAS HOUSE, AMBALAPARA OTTAOOALAM, PALAKKAD DISTRICT, PIN - 679512

BY ADVS.
R.P.SREENIVASAN
C.C.ANOOP

RESPONDENT/S:

1. **STATE OF KERALA**
   REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
2. **THE STATION HOUSE OFFICER**
   OTTAPPALAM POLICE STATION, PALAKKAD DISTRICT, PIN - 679101

OTHER PRESENT:

PP M P PRASANTH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A. BADHARUDEEN J.

Bail Appliation No. 2119 OF 2024

Dated this the 12th day of April, 2024

O R D E R

This anticipatory bail application is at the instance of sole accused in Crime No. 225/2024 of Ottapalam Police Station, Palakkad District.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor. Perused the relevant records including the documents form part of the case diary.

3. The prosecution allegation is that, the accused married defacto complainant on 16.09.2020 subjected her to cruelty by demanding more dowry and also has been pressurizing herself to leave 10 year old minor boy begotten to the defacto complainant in her first marriage. This is the premise on which the petitioner committed offence punishable under Sec.498A of IPC, Sec.67 of IT Act and Sec.75 of the JJ Act.

4. The learned counsel for the petitioner canvassed regular bail to the petitioner highlighting his innocence, with offer to co-operate with the investigation.

5. The learned Public Prosecutor also not pointed out any serious overt acts warranting custodial interrogation and detention of the petitioner. Though the allegations of cruelty, demanding more dowry, etc., are leveled against the petitioner, it is discernible that custodial interrogation is not necessary in this matter to accomplish meaningful investigation. Therefore the petitioner can be enlarged on anticipatory bail with direction to him to cooperate with investigation by subjecting himself for interrogation.

Therefore, this petition stands allowed. The petitioner is enlarged on anticipatory bail on the following conditions:

i. The petitioner shall surrender before the Investigating Officer within ten days from today and on such surrender,the Investigating Officer can question the petitioner and record his statement. In the event of his arrest, the Investigating Officer shall produce the petitioner before the Jurisdictional Court on the date of arrest itself.

ii. On such production, Jurisdictional Court shall release the petitioner on bail, on executing bond

for Rs.30,000/- (Rupees thirty thousand) each by themselves and by two solvent sureties, each for the like sum to the satisfaction of the Jurisdictional Court.

iii. The petitioner shall co-operate with investigation and shall be made available for interrogation and for the purpose of investigation, as and when the Investigating Officer directs so.

iv. The petitioner shall not, intimidate the witnesses or interfere with the investigation in any manner.

v. The petitioner shall not commit any offence during the currency of this bail and any such involvement is a reason to cancel the bail hereby granted.

Sd/-

A. BADHARUDEEN
JUDGE

SM

APPENDIX OF BAIL APPL. 2119/2024

PETITIONER ANNEXURES

Annexure A1	**THE TRUE COPY OF THE FIRST INFORMATION REPORT IN CRIME NO.225/2024 OF THE OTTAPPALAM POLICE STATION, PALAKKAD DISTRICT**
Annexure A2	**THE TRUE COPY OF THE COMMUNICATION LETTER DATED 15.2.2017 ISSUED BY THE ASSISTANT DEVELOPMENT COMMISSIONER(GENERAL),KASARAGOD**
Annexure A3	**THE TRUE COPY OF THE COMPLAINT SUBMITTED TO THE DISTRICT COLLECTOR, PALAKKAD**