

Rajeevan Vs. State of Kerala

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Court : Kerala

Decided On : Dec-28-2012

Judge : Hon'Ble Mr. Justice Babu Mathew P.Joseph

Appellant : Rajeevan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HON'BLE MR. JUSTICE BABU MATHEW P.JOSEPH FRIDAY, THE 28TH DAY OF DECEMBER 2012 7TH POUSHA 193 Bail Appl..No. 9540 of 2012 ()
----- PETITIONER(S)/ACCUSED NO.1 AND
2.----- 1. RAJEEVAN K.V., AGED 3 YEARS (A1), S/O. CHANDUKUTTY, AMBAPURAM HOUSE, BARA P.O., KASARAGOD DISTRICT.

2. SANTHA K.V., AGED 6 YEARS, W/O.CHANDUKUTTY, AMBAPURAM HOUSE, BARA P.O., KASARAGOD DISTRICT. BY ADVS.SRI.SURESH KUMAR KODOTH SMT.HEMALATHA RESPONDENT/STATE: ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY ADV.SRI.RAJESH VIJAYAN, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 28-12-2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: DG BABU MATHEW P. JOSEPH, J.

ORDER This application is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor. C.D. produced.

3. The petitioners are accused 1 and 2 in Crime No.824/2012 of Bekal Police Station. The offences alleged are under Sections 406 and 498A of IPC. The allegation is that the first petitioner married the de facto complainant on 26.2.2012 and, thereafter, the accused in this case subjected her to physical and mental cruelty apart from other allegations. Learned counsel for the petitioners submits that the second petitioner, aged 65, is the mother of the first petitioner. The petitioners are innocent of the allegations raised against them. They have no criminal antecedents. The investigation of the case is almost over. The police has registered this case based on a private complaint filed by the de facto complainant in the Court. He further submits that the petitioners apprehend arrest by the police at any time. B.A.No.9540/2012 :2:

4. The Case Diary shows that the investigation of the case has progressed much. In view of this fact and the fact that the petitioners have no criminal antecedents, the learned Public Prosecutor has no objection in granting anticipatory bail to the petitioners imposing appropriate conditions. In the light of the facts weighed with the learned Public Prosecutor, this Court is also of the view that the petitioners can be granted anticipatory bail. Therefore, the petitioners are granted anticipatory bail subject to the following conditions:

1) The petitioners shall surrender before the Investigating Officer on or before 8.1.2013. In the event of their arrest, they shall be released on bail on their executing bonds for Rs.10,000/- (Rupees Ten Thousand only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him

or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioners shall make themselves available for interrogation as and when required by the Investigating Officer. B.A.No.9540/2012 :3:

4) The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

5) The petitioners shall not commit any similar offence while on bail.

6) The petitioners shall not leave India without the previous permission of the concerned Magistrate's Court. This application is allowed as above. Sd/- BABU MATHEW P. JOSEPH, JUDGE. //True copy// P.A to JUDGE okb.

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