

Sabeer Vs. State of Kerala

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Court : Kerala

Decided On : Sep-30-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Sabeer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH MONDAY,THE30H DAY OF SEPTEMBER20138TH ASWINA, 1935 Bail Appl..No. 6172 of 2013 ()
----- CRIME NO. 681/2013 OF KOTTACKAL POLICE STATION, MALAPPURAM DISTRICT ----- PETITIONER / ACCUSED NO. 3 : ----- SABEER, S/O.ABDU, AGED36 KOOTHUMADAN HOUSE, KUTTIPPURAM PO, KOTTAKKAL POOZHIKUNNU, MALAPPURAM DISTRICT, PIN-676 508. BY ADV. SRI. A.B. MOHANA KUMAR RESPONDENT / COMPLAINANT :
----- THE STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI. SREEJITH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON3009-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Mn THOMAS P.JOSEPH, J.

Dated this the 30th day of September, 2013

ORDER

Petitioner is the third accused, in Crime No.681 of 2013 of Kottackal Police Station for offence punishable under Sec.306 of the Indian Penal Code. Wife of the petitioner committed suicide at the matrimonial home on 28.08.2013.

2. It appears that the deceased was staying at the matrimonial home and her paternal home at times. It is alleged that the petitioner and others subjected her to cruelty which driven her to committing suicide. Petitioner was arrested on 03.09.2013 and since then, is in custody.

3. Learned counsel submits that petitioner is not involved and that if petitioner is actually involved in the incident, he would not have come from abroad.

4. Learned Additional Director of Prosecution submitted that petitioner as well as his relatives are involved in the incident and release of him would affect the investigation.

5. Petitioner is in custody from 03.09.2013. The police did not asked for, or obtain custody of the petitioner for interrogation. Hence it is clear that for interrogation purposes custody of the B.A.No.6172 of 2013 2 petitioner is not required.

6. Having regard to the relevant facts, I am inclined to grant bail to the petitioner but subject to stringent conditions since presence of the petitioner for interrogation and trial of the case are ensured. Resultantly this application is allowed as under: (i) Petitioner (accused No.3 in Crime No.681 of 2013 of Kottackal Police Station) is granted bail and will be released, if not required to be detained otherwise on his executing bond for `25,000/- (Rupees Twenty Five Thousand Only) with two sureties for the like sum each to the satisfaction of the jurisdictional Magistrate, within two weeks from this day subject to the following conditions: (a) One of the sureties shall be a close relative of the petitioner. (b) Petitioner shall surrender his passport, if any before the jurisdictional Magistrate while executing the bail bond. (c) Petitioner shall not go beyond the State of Kerala except with the permission of

the jurisdictional Magistrate until the case is disposed of by the Court concerned. (d) Petitioner shall not intimidate or influence any of the witnesses. (e) Petitioner shall report to the Officer investigating the case on all alternate B.A.No.6172 of 2013 3 Saturdays between 10 a.m and 12 p.m for two months or until final report is filed, whichever is earlier and on other dates as directed by the Investigating Officer for interrogation. (f) Except for compliance with the condition regarding appearance before the Investigating Officer, petitioner shall not enter the local limits of Kottackal Police Station until filing of the final report or otherwise ordered by the learned magistrate, whichever is earlier. (g) If any of the conditions is violated, the bail granted hereby is liable to be cancelled by moving appropriate application before the jurisdictional Magistrate as held in P.K Haji Vs. State of Kerala (AIR 2006 SC100. (h) For modification, relaxation or alternation of any condition, petitioner may move the jurisdictional Magistrate as held in the above decision. (i) This order granting bail will take only effect from 10.10.2013 Sd/- THOMAS P.JOSEPH, JUDGE Sbna True Copy P A to Judge

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