

Chinnammu Vs. State of Kerala

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Court : Kerala

Decided On : Oct-31-2013

Judge : Honourable Mr.Justice Thomas P.Joseph

Appellant : Chinnammu

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 31ST DAY OF OCTOBER 2013 9TH KARTHIKA, 1935 Bail Appl..No. 4917 of 2013 () ----- CRIME NO. 61/2013 OF KUZHALMANNAM POLICE STATION , PALAKKAD PETITIONER/ACCUSED NO.2: ----- CHINNAMMU AGED 64 YEARS W/O.KRISHNAN, POTHAYAMKADU HOUSE, KALAPPETTY KUZHALMANNAM, ALATHUR TALUK, PALAKKAD DISTRICT BY ADV. SRI.NIREESH MATHEW RESPONDENT/COMPLAINANT: ----- STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR HIGH COURT OF KERALA BY PUBLIC PROSECUTOR: ADV LALIZA THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31-10-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: THOMAS P.JOSEPH, J.

===== B.A.No.4917 of 2013
===== Dated this the 31st day of October, 2013

ORDER

Petitioner is the second accused, in Crime No.61 of 2013 of the Kuzhalmannam Police Station for the offences punishable under Secs.306 and 498A of the Indian Penal Code, apprehends arrest and has filed this application under Sec.438 of the Code of Criminal Procedure.

2. Case is that on 12.01.2013 at about 11.30 a.m, daughter- in-law of the petitioner (wife of the first accused) committed suicide in the matrimonial home due to alleged harassment. The first accused was arrested and released on bail after detention for about 22 days.

3. Learned counsel submits that the allegations are false and that the petitioner is not involved in the alleged incident.

4. Learned Public Prosecutor while opposing the application has read to me the relevant statement of witnesses concerning (alleged) role of the petitioner.

5. Having heard the learned counsel and the learned Public Prosecutor, I am inclined to think that custodial interrogation of the petitioner is not required. Hence I am inclined to grant relief to the B.A.No.4917 of 2013 2 petitioner but subject to conditions. Resultantly this application is allowed as under: (i) Petitioner shall surrender before the officer investigating Crime No.61 of 2013 of the Kuzhalmannam Police Station on 08.11.2013 at 10a.m for interrogation. (ii) In case interrogation is not completed that day, it is open to the officer concerned to direct presence of the petitioner on other day/days and time as may be specified by him which the petitioner shall comply. (ii) In case of arrest, petitioner shall be produced before the jurisdictional magistrate the same day. (iii) On such production, petitioner shall be released on bail (if not required to be detained otherwise) on her executing bond for `15,000/- (Rupees Fifteen Thousand Only) with two sureties for the like sum each before the arresting officer and subject to the following conditions: (a) Petitioner shall report to the Investigating Officer as and when required for interrogation at all reasonable time and place. (b) Petitioner shall not interfere with the investigation of the case, influence or intimidate the

witnesses. (c) In case the petitioner violates any of the above conditions, it B.A.No.4917 of 2013 3 is open to the investigating officer to move the learned magistrate (until committal, and thereafter before the learned Principal Sessions Judge concerned) for cancellation of the bail as held in P.K Shaji Vs. State of Kerala (AIR 2006 SC100. Sd/- THOMAS P.JOSEPH, JUDGE. Sbna True Copy P A to Judge

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