

**Rajeev Vs. State of Kerala**

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**Court :** Kerala

**Decided On :** Oct-31-2013

**Judge :** Honourable Mr.Justice Thomas P.Joseph

**Appellant :** Rajeev

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE THOMAS P.JOSEPH THURSDAY, THE 31<sup>ST</sup> DAY OF OCTOBER 2013 9<sup>TH</sup> KARTHIKA, 1935 Bail Appl..No. 5992 of 2013 () ----- CRIME NO. 1061/2013 OF OTTAPALAM POLICE STATION , PALAKKAD PETITIONERS/ACCUSED(A-2 AND A-3): ----- 1. BABU @ SHAIK HUSSAIN, AGED 55 YEARS S/O.SHAIK BABU, KOOTTAPPALLAM HOUSE, MUTHALAMADA KALLADIKKODE, PALAKKAD.

2. SARABI AGED 55 YEARS W/O.BABU @ SHAIK HUSSAIN, KOOTTAPPALLAM HOUSE MUTHALAMADA, KALLADIKKODE, PALAKKAD. BY ADV. SRI.K.ANAND RESPONDENTS/STATE AND COMPLAINANT: ----- 1. STATE OF KERALA REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA ERNAKULAM-682031 2. THE SUB INSPECTOR OF POLICE OTTAPPALAM POLICE STATION, OTTAPPALAM-679101 BY PUBLIC PROSECUTOR SRI. ROY THOMAS THIS BAIL

APPLICATION HAVING COME UP FOR ADMISSION ON3110-2013, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: dlk THOMAS P. JOSEPH, J ----- B.A.No.5992 of 2013 ----- Dated this the 31th day of October, 2013

## ORDER

Petitioners are accused 2 and 3, in Crime No.1061 of 2013 of the Ottappalam Police Station for the offences punishable under Sections 379, 420, 498(A) and 495 r/w Section 34 of the Indian Penal Code, apprehend arrest and have filed this application.

2. It is alleged that the first accused, suppressing his earlier marriage, real address etc. married the defacto complainant, subjected her to cruelty and committed theft of her ornaments. Allegation against the petitioners is that they assisted the first accused in marrying the defacto complainant.

3. Learned Public Prosecutor, while opposing the application has submitted that the first accused is suspected to have contracted other marriages as well.

4. Learned counsel submits that the first accused is already released on bail. It is also submitted that the first petitioner is the uncle of the first accused and that the second petitioner is the wife of the first petitioner. They have no role in the alleged incident.

5. Having regard to the facts and circumstances, I am B.A.No.5992 of 2013 2 inclined to think that custodial interrogation of the petitioners is not required I am grant relief but subject to conditions. Resultantly, this application is allowed as under: a) Petitioners shall surrender before the officer investigating Crime No.1061 of 2013 of the Ottappalam Police Station on 06-11-2013 at 10 a.m for interrogation. b) If interrogation of the petitioners is not completed that day, they shall appear before the officer investigating the case on the day/days and time as directed by him which the petitioners shall comply. c) In case arrest of the petitioners is recorded, they shall be produced before the jurisdictional magistrate on the same day. d) On such production the petitioners shall be released, if not required to be detained otherwise, on their executing bond of Rs.20,000/- (Rupees

twenty thousand only) each with two sureties each for the like sum each to the satisfaction of the learned magistrate and subject to the following conditions: i) One of the sureties shall be a close relative of any of the petitioners. B.A.No.5992 of 2013 3 ii) The first petitioner shall report to the officer investigating the case on every alternate Saturday between 10 a.m and 12 p.m for a period of two months or until filing of the final report, whichever is earlier. iii) Petitioners shall report to the officer investigating the case as and when required for interrogation. iv) Petitioners shall not, during the period of this bail get involved in any offence. v) Petitioners shall not intimidate/influence the witnesses. vi) In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the learned magistrate as held in P.K.Shaji Vs. State of Kerala (AIR 2006 SC100. THOMAS P. JOSEPH, JUDGE AS

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