

Umman Mathew Vs. State of Kerala

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Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr. Justice K.Abraham Mathew

Appellant : Umman Mathew

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW THURSDAY, THE 3D DAY OF JULY 2014/12TH ASHADHA, 1936 Bail Appl..No. 4358 of 2014 ()
----- CRIME NO. 162/2014 OF POOYAPALLY POLICE STATION , KOLLAM PETITIONER(S)/PETITIONER/ACCUSED 2 TO 6

----- 1. UMMAN MATHEW AGED 65 YEARS S/O. MATHEW, BIJU BHAVAN, KARIKKAM P.O., ULLIYANADU VETTIKAVALA, KOTTARAKKARA KOLLAM 2 CHINNAMMA MATHEW, AGED 60 YEARS W/O. MATHEW, DO DO 3 VIJI, AGED 31 YEARS, (WRONGLY SHOWN AS BIJI IN FIR), W/O. DANIEL ABRAHAM RESIDING AT KODANOR PUTHENVEEDU, ODANAVATTOM, VELIYAM KOTTARAKKARA, KOLLAM.

4. VIJU, AGED 28 YEARS (WRONGLY SHOWN AS BIJU IN FIR) S/O. UMMAN MATHEW BIJU BHAVAN, KARIKKAM P.O., ULLIYANADU VETTIKAVALA, KOTTARAKKARA KOLLAM.

5. DANIEL ABRAHAM, AGED 46 YEARS S/O. SARAMMA, RESIDING AT KODANOOR PUTHENVEEDU ODANAVATTOM, VELIYAM, KOTTARAKKARA KOLLAM BY ADV. SRI. SAJU. S. A RESPONDENT(S)/RESPONDENT/COMPLAINANT:

----- STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR HIGH COURT OF KERALA, ERNAKULAM, PIN - 682 031. BY PUBLIC PROSECUTOR SRI. RAJESH VIJAYAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 0307-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:
ds K. ABRAHAM MATHEW, J.

----- B.A. No. 4358 of 2014
----- Dated this the 3rd day of July, 2014

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are accused nos. 2 to 6 in Crime No.162/2014 of Pooyappally Police Station, which has been registered for offences under sections 498A and 506 of IPC.

3. The 1st accused is the husband of the 1st informant. Petitioners 1 and 2 are his parents and the other petitioners are his close relatives. It is alleged that demanding more dowry the 1st accused and the petitioners subjected the 1st informant to cruelty and intimidated her that she would be done away with.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

5. The marriage between the 1st accused and the 1st informant was solemnized in January, 2009. They have no B.A. No. 4358 of 2014 -2- children. The 1st accused is working abroad. It is alleged that he, along with the petitioners, subjected the 1st informant to cruelty demanding more dowry and threatened to cause her death.

6. It is submitted by the learned Public Prosecutor that petitioners 1 and 3 have already been deleted from the array of accused. There is no allegation that any of

the petitioners caused any serious physical violence to the 1st informant. Bringing back harmony to the family does not appear to be an impossibility. So I am inclined to grant the prayer of petitioners 2, 4 and 5.

7. In the result, this application is allowed. i. Petitioners 2, 4 and 5 shall be released on bail on their executing a bond for Rs.20,000/- (Rupees Twenty thousand only) each with two solvent sureties each for the like sum if they are arrested by the B.A. No. 4358 of 2014 -3- Police in connection with this case. ii. They shall appear before the Investigating Officer for interrogation if they are so required by him in writing. iii. They shall not harass the 1st informant or her close relatives nor shall they intimidate or attempt to influence the witnesses. This order is not applicable if the petitioners choose to surrender before the Magistrate concerned and in such case the learned Magistrate may take appropriate action in accordance with the law. Sd/- K. ABRAHAM MATHEW, JUDGE //True Copy// P.A. to Judge jjj

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