

Manoj Vs. State of Kerala

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Court : Kerala

Decided On : Jul-30-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Manoj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN WEDNESDAY, THE 30TH DAY OF JULY 2014
8TH SRAVANA, 1936 Bail Appl..No. 5573 of 2014
----- CRIME NO. 1055/2014 OF ANCHALUMMOODU POLICE STATION, KOLLAM ----- PETITIONER/ACCUSED:
----- MANOJ, AGED 40 YEARS, S/O. PIOUS, ANNADALE, NAMBARATH JUNCTION, KADAVOOR, KOLLAM. BY ADVS.SRI.S.RAJEEV SRI.K.K.DHEERENDRAKRISHNAN RESPONDENTS/STATE:
----- 1. STATE OF KERALA, REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-682031 (CRIME NO. 1055/2014 OF ANJALUMOODU POLICE STATION, KOLLAM DISTRICT).

2. STATION HOUSE OFFICER, ANJALUMOODU POLICE STATION, KOLLAM DISTRICT-691001, (CRIME NO. 1055/2014 OF ANJALUMOODU POLICE STATION, KOLLAM DISTRICT). BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR

ADMISSION ON3007-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: PJ V.K.MOHANAN, J ===== B.A No. 5573 of 2014 ===== Dated this the 30th day of July, 2014

ORDER

Petitioner, who is the husband of the de facto complainant in Crime No.1055/2014 of Anjalumoodu Police Station preferred the above application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. The petitioner as well as the de facto complainant are the husband and wife whose marriage was solemnized on 28.08.2005 and a child born in the said wedlock. The further prosecution allegation is that while they were residing together, on 05.07.2014, a quarrel was occurred among them and it is alleged that the petitioner caught hold on her hair and gave a blow by using a stick and the said incident was occurred when the petitioner declined the request of the wife for purchasing a car. Thus, according to the B.A No.5573/2014 2 prosecution the accused has committed the offences punishable u/s 498A, 294(b), 341, 323 and 324 of the Indian Penal Code.

3. Heard the learned counsel for petitioners as well as the learned Public Prosecutor.

4. The learned counsel for petitioner submitted that there is every chance for settlement of the dispute between the petitioner and the de facto complainant, who are husband and wife, and, therefore, it is only just and proper to grant anticipatory bail.

5. The learned Public Prosecutor submitted that the alleged incident was occurred as part of family dispute when the wife demanded for the purchase of a car.

6. Having regard to the facts and circumstances involved in the case and considering the trivial nature of the allegation, I am of the view that this petition can be allowed, however, subject to conditions. B.A No.5573/2014 3 In the result, this petition is allowed and, accordingly, there will be a direction that in the event of the

arrest of the petitioner in Crime No.1055/2014 of Anjalumoodu Police Station, he shall be released on bail on his executing a bond for `35,000/- (Rupees Thirty Five Thousand only) with two solvent sureties, each for like amount, to the satisfaction of the Investigating Officer on the following further conditions: i) Petitioner shall report before the Investigating Officer in the above crime on every second Saturday. ii) Petitioner shall not tamper with the evidence and try to influence any witnesses. iii) Petitioner shall not interfere with the investigation. Sd/- V.K.MOHANAN, JUDGE vdv //True Copy// P.Ato Judge

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