

**Muneer Vs. State of Kerala**

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**SooperKanoon Citation :** [sooperkanoon.com/1160757](http://sooperkanoon.com/1160757)

**Court :** Kerala

**Decided On :** Aug-07-2014

**Judge :** Honourable Mr.Justice V.K.Mohanan

**Appellant :** Muneer

**Respondent :** State of Kerala

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN THURSDAY, THE 7TH DAY OF AUGUST 2014 16TH SRAVANA, 1936 Bail Appl..No. 5863 of 2014 () ----- CRIME NO. 616/2014 OF CHANDERA POLICE STATION ,KASARAGOD DISTRICT ----- PETITIONER/ACCUSED: ----- MUNEEER, AGED 35 YEARS, S/O. MOIDEEN K.L, ORIYARA, MAVILAKADAPPURAM, PADNE VILLAGE, HOSDURG, KASARAGOD. BY ADVS.SRI.RAHUL SASI SMT.NEETHU PREM RESPONDENT(S)/COMPLAINANT: ----- 1. STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.PIN-682 031 2. SUB INPECTOR OF POLICE, CHANDERA POLICE STATION. PIN-676 101 R1 & R2 BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts V.K.MOHANAN, J ===== B.A No. 5863 of 2014

===== Dated this the 7th day of August, 2014

## ORDER

Petitioner is the sole accused in Crime No. 616/2014 of Chandera Police Station and apprehending arrest in the above crime he preferred the above application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. The prosecution allegation is that the petitioner had married the de facto complainant on 04.02.2001 and thereafter he had harassed the de facto complainant both mentally and physically demanding more dowry and, thus, the petitioner/ accused has committed the offences punishable under Sections 498A, 323, 324 and 506(i) of the Indian Penal Code.

3. Heard the learned counsel for petitioner as well as the learned Public Prosecutor. B.A No.5863/2014 2 4. The learned counsel for petitioner submitted that the above crime was registered on the basis of the complaint filed by the de facto complainant in the Judicial First Class Magistrate - I, Hosdurg and that too while several other litigations between the petitioner and the de facto complainant were pending. According to the learned counsel for petitioner, the de facto complainant did not approach the police and therefore the present crime was registered on the basis of the complaint filed in the court with a view to harass the petitioner.

5. The learned Public Prosecutor has submitted that only minor injuries are sustained by the de facto complainant and there were matrimonial disputes between the petitioner as well as the de facto complainant.

6. Having regard to the facts and circumstances involved in the case, according to me, the custody of the petitioner is not required for the investigation in Crime No.616/2014 of Chandera Police Station and therefore, the petitioner can be granted B.A No.5863/2014 3 anticipatory bail however, subject to strict conditions. 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.616/2014 of Chandera 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 in the above crime and on the following further conditions: i) Petitioner shall report before the Investigating Officer in the above crime between 10 a.m and 11 a.m once in a fortnight on 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.A to Judge

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