

Kunchal Vs. State of Kerala

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Court : Kerala

Decided On : Aug-12-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Kunchal

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN TUESDAY, THE 12TH DAY OF AUGUST 2014 21ST SRAVANA, 1936 Bail Appl..No. 5932 of 2014 () ----- CRIME NO. 165/2014 OF PATTAMBI POLICE STATION ,PALAKKAD DISTRICT ----- PETITIONER(S)/ACCUSED NO.2,3 AND 5 TO 9: ----- 1. KUNCHAL, W/O.HAMSA MUSLIAR (LATE), AGED 65 YEARS, PARAYIL HOUSE, MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DISTRICT-679 303.

2. SAINABHA, D/O.HAMSA MUSLIAR (LATE), AGED 34 YEARS, PARAYIL HOUSE, MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DISTRICT-679 303.

3. ABDUL KHADER, S/O.HAMSA MUSLIAR (LATE), AGED 38 YEARS, PARAYIL HOUSE, MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DISTRICT-679 303.

4. ABDUL SAMAD, S/O.HAMSA MUSLIAR (LATE), AGED 46 YEARS, PARAYIL HOUSE, MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DISTRICT-679 303.

5. AYISHA, W/O.ABDUL SAMAD,AGED36YEARS, PARAYIL HOUSE, MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DISTRICT-679 303.

6. ABOOBACKER, S/O.HAMSA MUSLIAR (LATE),AGED48YEARS, PARAYIL HOUSE,MELE PATTAMBI P.O., PATTAMBI, PALAKKAD DISTRICT-679 303.

7. NAJMA, W/O.HABEEB RAHMAN,AGED25YEARS, PARAYIL HOUSE, MELE PATTAMBI P.O., PATTAMBIL, PALAKKAD DISTRICT-679 303. BY ADV. SRI.A.HAROON RASHEED sts 2/- -2- BA.NO.5932/2014
RESPONDENT/COMPLAINANT : ----- STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, PATTAMBI POLICE STATION, PALAKKAD DISTRICT, THOROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON1208-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: sts V.K.MOHANAN, J
===== B.A No. 5932 of 2014
===== Dated this the 12th day of August, 2014

ORDER

Apprehending arrest in Crime No. 165/2014 of Pattambi Police Station, petitioners who are accused numbers 2, 3 and 5 to 9 preferred the above application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. The prosecution allegation is that the marriage between the de facto complainant and the 1st accused was solemnized on 28.07.2011 as per customary rites of Muslims and the de facto complainant was subjected to harassment, both physically and mentally, demanding more dowry and thus, the accused, 9 in numbers have committed the offences punishable under Section 498A of the Indian Penal Code. B.A No.5932/2014 2 3. Heard the learned counsel for the petitioners as well as the learned Public Prosecutor.

4. The learned counsel for the petitioners submitted that the present crime was registered connected with a matrimonial dispute and the petitioners are no way connected with the offence alleged against them.

5. The learned Public Prosecutor, on instructions, submitted that the allegation against the accused are general in nature and no specific overt act is alleged against the petitioners.

6. Having regard to the facts and circumstances involved in the case and considering the submissions made by the counsel, I am of the view that this petition can be allowed, but, subject to conditions. In the result, this petition is allowed and, accordingly, there will be a direction that in the event of the arrest of the petitioners in Crime No.165/2014 of Pattambi Police Station, they shall be B.A No.5932/2014 3 released on bail on each of them 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) Petitioners 3, 4 and 6 are directed to report before the Investigating Officer in the above crime between 10 a.m and 11 a.m on every second Saturday. Other petitioners are directed to report before the Investigating Officer as and when required. ii) Petitioners shall not tamper with the evidence and try to influence any witnesses. iii) Petitioners shall not interfere with the investigation. Sd/- V.K.MOHANAN, JUDGE vdv //True Copy// P.A to Judge

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