

Harikumar Vs. the Sub Inspector of Police

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Court : Kerala

Decided On : Aug-25-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Harikumar

Respondent : The Sub Inspector of Police

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN MONDAY, THE 25^H DAY OF AUGUST 2014 3RD BHADRA, 1936 Bail Appl..No. 6070 of 2014 () ----- (CRIME NO. 1353/2014 OF CHENGANNOOR POLICE STATION , ALAPPUZHA) PETITIONER(S)/ACCUSED: ----- 1. HARIKUMAR, AGED 28 YEARS, S/O. BALAN P.K., HARISREE BHAVAN, ULLANNOOR, P.O. KULANADA VILLAGE & ADOOR TALUK, PATHANAMTHITTA DISTRICT.

2. BALAN P.K. AGED 52 YEARS HARISREE BHAVAN, ULLANNOOR, P.O. KULANADA VILLAGE & ADOOR TALUK, PATHANAMTHITTA DISTRICT.

3. PRASANNA BALAN, AGED 48 YEARS, W/O. BALAN P.K., HARISREE BHAVAN, ULLANNOOR, P.O. KULANADA VILLAGE AND ADOOR TALUK PATHANAMTHITTA DISTRICT.

4. SREELEKHA AGED 33 YEARS, W/O. AJAYAN, AJAYA NIVAS, KURALI MUKKU, WEST KALLADA, KOLLAM DISTRICT. BY ADVS. SRI.V.SETHUNATH SRI.S.JUSTUS RESPONDENT(S)/COMPLAINANT AND STATE: ----- 1. THE SUB INSPECTOR OF POLICE, CHENGANNOOR POLICE STATION, ALAPPUZHA DISTRICT. 689 121.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM -682 031. R BY PUBLIC PROSECUTOR SMT.BINDU GOPINATH THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25-08-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: V.K.MOHANAN,J.

----- B.A.No. 6070 OF 2014- -----
----- Dated this the 25th day of August , 2014

ORDER

The petitioners are accused in Crime No.1353/2014 of Chengannoor Police station. Apprehending arrest, they preferred this application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. As per the prosecution allegation, the first petitioner married the defacto complainant on 11/2/2013 and thereafter, while the defacto complainant was residing along with the accused, she was subjected to cruelty demanding more dowry and thus, according to the prosecution, the petitioners committed offence punishable under Sections 498(A) & 324 read with Section 34 of the I.P.C.

3. Heard the learned counsel for the petitioners as well as the learned Public Prosecutor. B.A. No. 6070/2014 :

2. :

4. The learned counsel for the petitioners submitted that the above crime was registered in pursuance of the complaint received by the Chengannoor Police from the Judicial First Class Magistrate under Section 156 (3) of the Cr.P.C. , which preferred by the defacto complainant. According to the learned counsel, the said

fact is sufficient to show that the intention of the de facto complainant is to harass the petitioners and if there is any truth in the alleged offence, the defacto complainant ought to have approached the police instead of filing a private complaint in the court.

5. The learned Public Prosecutor, on instructions, submitted that the main allegation is against the 3rd petitioner, who is the mother of the first accused and wife of the 2nd accused. The allegation is that she used to beat the defacto complainant by using cane stick. The submissions of the learned Public Prosecutor shows that even if the said alleged overact is accepted as true, it cannot be treated as part of demanding more dowry.

7. Having regard to the facts and circumstances involved in the case, according to me, this petition can be allowed, however, B.A. No. 6070/2014 :

3. : subject to the stringent conditions. In the result, there will be a direction that in the event of arrest of the petitioners in connection with Crime No.1353/2014 of Chengannoor Police Station, they shall be released on bail on the first petitioner executing a bond for Rs.35,000/-(Rupees Thirty Five Thousand only) with two solvent sureties each for the like amount to the satisfaction of the Investigation Officer in the above crime and on the following conditions: (i). The first petitioner shall report before the Investigating Officer between 10 and 11 a.m. on Saturdays once in every fortnight. The other petitioners shall report before the Investigating Officer as and when required. ii). The petitioners shall not involve in any criminal offence similar in nature. Iii). The petitioners shall not intimidate the witnesses or interfere with the investigation or attempt to tamper the evidence. If the petitioners violate any of the conditions, the bail granted to B.A. No. 6070/2014 :

4. : them is liable to be cancelled. The Bail Application is accordingly allowed. Sd/- V.K.MOHANAN , JUDGE. /True copy/ PS to Judge. dpk

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