

Sijo Mathai Vs. State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1164551

Court : Kerala

Decided On : Sep-16-2014

Judge : Honourable Mr.Justice V.K.Mohanan

Appellant : Sijo Mathai

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE V.K.MOHANAN TUESDAY,THE16H DAY OF SEPTEMBER201425TH BHADRA, 1936 Bail Appl..No. 6607 of 2014 ----- CRIME NO. 224/2014 OF KANJIKUZH POLICE STATION , IDUKKI. ----- APPLICANTS/ACCUSED NOS: ----- 1. SIJO MATHAI, S/O.MATHAI K.V., AGED34YEARS, KADALIKKATTIL HOUSE, MUNDAMTHURUTHUPARA, MUDAKUZHA P.O., KUNNATHUNADU TALUK, ERNAKULAM DISTRICT, PIN-683 546.

2. MATHAI K.V., S/O.VARGHESE, AGED58YEARS, KADALIKKATTIL HOUSE, MUNDAMTHURUTHUPARA, MUDAKUZHA P.O., KUNNATHUNADU TALUK, ERNAKULAM DISTRICT, PIN-683 546.

3. CHINNAMMA MATHAI, W/O.MATHAI K.V., AGED55YEARS, KADALIKKATTIL HOUSE, MUNDAMTHURUTHUPARA, MUDAKUZHA P.O., KUNNATHUNADU

TALUK, ERNAKULAM DISTRICT, PIN-683 546.

4. JOSEPH K.V., S/O.VARGHESE, AGED 53 YEARS, KADALIKKATTIL HOUSE, NELLIKUZHY P.O., KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT, PIN-686 691. BY ADVS.SRI.JOHN JOSEPH(ROY) SRI.MATHEW JACOB (KUNNATHU) RESPONDENT/COMPLAINANT: -----
STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF POLICE, KANJIKUZHY POLICE STATION, IDUKKI DISTRICT THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. BY PUBLIC PROSECUTOR SRI.DHANESH MATHEW MANJOORAN THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16-09-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: msv/ V.K.MOHANAN, J
===== B.A No.6607 of 2014
===== Dated this the 16th day of September, 2014

ORDER

This is an application filed by the petitioners, who are accused in Crime No.224/2014 of Kanjikuzhy Police Station, for anticipatory bail under Section 438 of the Code of Criminal Procedure, as they are apprehending arrest in the above crime.

2. The Prosecution allegation is that the marriage between the first accused, who is the first petitioner herein and the de facto complainant was solemnized on 02.07.2013 and thereafter while the de facto complainant was residing in her matrimonial home, she was subjected to harassment demanding more dowry and thus, according to the prosecution, the accused, four in numbers, have committed the offence punishable under Section 498(A) r/w Section 34 of the Indian Penal Code.

3. Heard the learned counsel for the petitioners as well as the learned Public Prosecutor. B.A No.6607 of 2014 2 4. The learned counsel for the petitioners submitted that the entire allegation against the petitioners are false and the petitioners are implicated in the above crime connected with some matrimonial disputes.

5. On the other hand, the learned Public prosecutor submitted that there is no specific allegation against the petitioners and the allegations are general in nature.

6. Having regard to the facts and circumstances involved in the case, I am of the view that this petition can be allowed however, subject to stringent 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.224/2014 of Kanjikkuzhy Police Station, they shall be 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: B.A No.6607 of 2014 3 i) First petitioner shall report before the Investigating Officer in the above crime once in a fortnight on Sunday between 10 a.m and 11 a.m. ii) Petitioners 2 to 4 shall report before the Investigating Officer in the above crime as and when required. iii) First petitioner is directed to surrender his passport, if any, before the Investigating Officer, at the time of executing the bail bond and if he is not a passport holder, file an affidavit to that effect and the Investigating Officer is directed to produce the passport, if he is having the same, or the affidavit as afore mentioned, as the case may be, before the jurisdictional Magistrate. The petitioner is free to approach the jurisdictional Magistrate for the release of the passport as and when required and in case an application is filed in this regard, the learned Magistrate is directed to consider the same on merit and pass appropriate orders, guided by the decision rendered by this Court in Ashok Kumar v State of Kerala (2009(2) KLT712). iv) Petitioners shall not tamper with the evidence and try to influence any witnesses. B.A No.6607 of 2014 4 v) Petitioners shall not interfere with the investigation. V.K.MOHANAN, JUDGE vdv