

Soudamini Vs. State of Kerala

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Court : Kerala

Decided On : Oct-23-2014

Judge : Honourable Mr. Justice Alexander Thomas

Appellant : Soudamini

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS THURSDAY, THE 23RD DAY OF OCTOBER 2014 1ST KARTHIKA, 1936 Bail Appl..No. 7515 of 2014 () ----- CRIME NO. 329/2014 OF KOLATHUR POLICE STATION. PETITIONER/2ND ACCUSED : ----- SOUDAMINI, W/O. GOPALAN, AGED 51 YEARS, VELIYAMANNIL HOUSE, MOORKKANAD AMSOM, VENGAD, AMBEDKAR COLONY, MALAPPURAM DISTRICT. BY ADV. SRI.U.K.DEVIDAS. RESPONDENT/COMPLAINANT : ----- STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, (CR. NO.329 OF 2014 OF KOLATHUR POLICE STATION). BY PUBLIC PROSECUTOR MR.DHANESH MATHEW MANJOORAN. THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-10-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: rs. ALEXANDER THOMAS, J.

===== B.A.No. 7515 of 2014 ===== Dated this
the 23rd day of October, 2014

ORDER

The petitioner is the 2nd accused in crime No.329/2014 of Kolathur Police Station, Malappuram district, for offences registered under Sections 498A, 306 read with 34 of the IPC. The petitioner's son is the accused No.1 (husband of the deceased) and the 2nd accused (mother-in-law of the deceased), who is the petitioner herein, had ill-treated the deceased Sajini and had physically and mentally treated her with cruelty and that on account of the constant ill-treatment of accused Nos.1 and 2, she has committed suicide by setting herself ablaze by pouring kerosene. Sri.U.K.Devidas, the learned counsel for the petitioner would submit that the petitioner, who is an aged house-wife and the mother-in-law of the deceased, has been wrongly and unjustly implicated in this crime and that after the above said incident, the deceased lady was taken to three hospitals and she was conscious at that time and no dying declaration was recorded and no complaint whatsoever was given by her either against the petitioner or against her son and that the 1st accused has already been arrested and has undergone custodial interrogation and that custodial detention of the petitioner is not necessary. Sri.U.K.Devidas, the B.A.7515/14 - :

2. :- learned counsel for the petitioner would submit that this is a fit case for the grant of pre-arrest bail to the petitioner, who is an aged house-wife and that the petitioner undertakes that she would comply with any conditions that may be imposed by this Court while granting pre-arrest bail, so as to protect the bonafide interest of the prosecution.

2. The learned Public Prosecutor would submit that the investigation has progressed and not fully completed and that in case this Court is inclined to grant anticipatory bail to the petitioner, the same may be restricted with necessary conditions so as to protect the fair and smooth conduct of the investigation.

3. Having considered the submissions of the learned counsel for the petitioner and the learned Public Prosecutor and taking into account the totality of the facts and

circumstances of the case, more particularly the fact that the petitioner is an aged house-wife, the relief of pre-arrest bail could be granted in this case, but hedged with necessary safeguards to protect the bonafide interest of the prosecution. Accordingly, it is ordered that in the event of the arrest of the petitioner herein in connection with the above said crime, she shall be released on bail on her 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 investigating officer in the B.A.7515/14 - :

3. :- above crime and subject to the following conditions: (i) The petitioner shall surrender her passport, if any, before the jurisdictional Magistrate concerned within 3 days from the execution of the bail bond before the Investigating Officer and if she is not holder of passport, then she shall file an affidavit to that effect in the said court. If the petitioner requires her passport in connection with her travel abroad, then she is free to approach the court below concerned for the release of the same and for necessary permission in that regard. In case such an application is filed, the trial court or the jurisdictional Magistrate concerned, as the case may be, is free to consider the same on merits and to pass appropriate orders thereon, taking necessary guidance from the principles laid down in the decision of this Court in the case Asok Kumar v. State of Kerala, reported in 2009 (2) KLT712 notwithstanding the aforementioned conditions imposed by this Court. (ii) The petitioner shall not involve in any criminal offence of similar nature or graver in nature. (iii) The petitioner shall co-operate with the investigation and report before the investigating officer as and when required. (iv) The petitioner shall not influence the witnesses or shall not tamper or attempt to tamper evidence in any manner whatsoever. If the petitioner violates any of the conditions as ordered above, then the bail granted to her is liable to be cancelled. With the above said directions, this Bail Application stands finally disposed of. Sd/- sdk+ ALEXANDER THOMAS, JUDGE ///True copy/// P.S. to Judge