

Nishanth S vs State of Kerala

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Court : Kerala Orders

Decided On : Jan-27-2023

Judge : Honourable Mr.Justice Ziyad Rahman a.a.

Appeal No. : Bail Appl./441/2023

Appellant : Nishanth S

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 27TH DAY OF JANUARY 2023 / 7TH MAGHA, 1944
CRIME NO.1520/2022 OF ATTINGAL POLICE STATION
PETITIONER/ACCUSED NO.1: NISHANTH S. AGED 36 YEARS S/O
SURENDRAN, NISHANTH BHAVAN,
KIZHUVALLAM,KOONTHALLOOR, BY ADVS. MANSOOR.B.H.
SAKEENA BEEGUM RESPONDENTS: COMPLAINANT/STATE: 1
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031 2 STATION HOUSE
OFFICER ATTINGAL POLICE STATION. BY ADV ADV SREEJA V -SR
PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON

27.01.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner has filed this application for anticipatory bail apprehending arrest in Crime No.1520/2022 of Attingal Police Station. The offences alleged against the petitioner are under Section 498A and 306 of the Indian Penal Code.

2. The aforesaid crime was initially registered in connection with the

suicide of the petitioners wife, Aswathy aged 28 years, on 23.10.2022 by hanging. The learned counsel for the petitioner submits that the petitioner is innocent of all the allegations. It is further contended that the deceased and her family members had a tendency to commit suicide. It is averred in the bail application that the sister of the deceased committed suicide and her mother has also attempted to commit suicide. In such circumstances, the learned counsel for the petitioner seeks anticipatory bail.

3. On the other hand, the learned Public Prosecutor would oppose the

aforesaid contentions. It is pointed out that the investigation is in progress, and during the course of the same, the suicide note prepared by the victim was received, wherein specific instances of the ill-treatment at the hands of the petitioner are mentioned. Therefore, the granting of anticipatory bail is seriously opposed by the Public Prosecutor.

4. I have gone through the records. Even though the First Information

Statement does not reveal the materials to implicate the petitioner for the offence under Section 498A of the Indian Penal Code, the contents of the suicide note would show that, the deceased was allegedly ill-treated the petitioner, even while she was pregnant. It is seen mentioned that the deceased was subjected to ill-treatment by the petitioner as he doubted that the child which she carrying was not of his. That ultimately led her to commit suicide.

5. After going through the records, I am of the view that this is a matter of investigation, and no anticipatory bail can be granted to the petitioner. Even though the learned counsel for the petitioner submitted that the members of the family of the deceased have a tendency to commit suicide, no documents are placed on record to substantiate the same. In such circumstances, I do not find any merit in this bail application, and accordingly it is dismissed.

Sd/- ZIYAD RAHMAN A.A. JUDGE scs APPENDIX OF BAIL APPL. 441/2023 PETITIONER ANNEXURES Annexure A CERTIFIED COPY OF THE ORDER DATED 28/12/2022 IN CRL.M.C. NO. 2825/2022 OF ADDL.SESIONS JUDGE-VII THIRUVANANTHAPURAM.

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