

Jayasree vs State of Kerala

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Court : Kerala

Decided On : Apr-28-2023

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

Appeal No. : Bail Appl./2758/2023

Appellant : Jayasree

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
FRIDAY, THE 28TH DAY OF APRIL 2023 / 8TH VAISAKHA, 1945
PETITIONER/ACCUSED :- JAYASREE AGED 60 YEARS DAUGHTER
OF RAGHAVAN NAIR, KATTIPOKKAM DESOM, CHALAKUDY
VILLAGE TALUK, THRISSUR, PIN - 680307 BY ADVS. JITHIN BABU A
CLEMANCE ANTO GRACE THOTTAPPILLY ARUN SAMUEL
RESPONDENT :- STATE OF KERALA REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, PIN - 682BAIL APPL. NO.
2758 OF BY SRI.VIPIN NARAYAN, SR.PUBLIC PROSECUTOR THIS
BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
28.04.2023, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

ORDER

Dated this the 28th day of April, 2023 The petitioner is the accused in Crime No.364 of 2023 of Chalakkudy Police Station, Thrissur District. The offence alleged against the petitioner is under Sections 341, 323 and 326 of Indian Penal Code.

2. The defacto complainant is the husband of the petitioner. The

allegation against the petitioner is that, on 24.03.2023 at about 08.30 pm, the petitioner assaulted the defacto complainant with an iron rod, thereby causing fracture on the left hand of the defacto complainant. The crime was registered in such circumstances and this application for anticipatory bail is submitted by the petitioner, as she apprehends arrest in connection with the investigation of the case.

3. Heard Sri. Jithin Babu A, the learned counsel appearing for the petitioner and Sri.Vipin Narayan, the learned Public Prosecutor appearing for the State.

4. The learned counsel for the petitioner would submit that the

petitioner is innocent of all these allegations. It is pointed out that the petitioner is lady aged 60 years, and there are certain matrimonial disputes pending between the defacto complainant, the husband and her. The incident occurred in connection with a domestic dispute between the parties, which was got escalated.

5. On the other hand, the learned Public Prosecutor opposed the aforesaid contentions. However, it is pointed out that as part of the investigation, the recovery of the weapon is already affected.

6. I have gone through the records. It is true that there are certain

allegations against the petitioner. However, the facts of the case would indicate that they are spouses and are having certain matrimonial disputes between them. As against the defacto complainant also, there is a crime registered at the instance

of the petitioner under Section 498A of Indian Penal Code. The petitioner is a lady aged 60 years and there is no criminal antecedents as well. It is also a relevant fact in this regard that, the recovery of the weapon is already affected. In such circumstances, I do not find any necessity of custodial interrogation of the petitioner and therefore, interest of justice would be served if the co-operation of the petitioner with the investigation is ensured. In such circumstances, this application is disposed of with the following conditions;

i) The petitioner shall surrender before the Investigating Officer, within a period of two weeks from today, for subjecting herself to

interrogation. ii) After interrogation, the petitioner shall be released on bail on the very same day of surrender upon the petitioner executing a bond for Rs. 1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum, to the satisfaction of the Investigating Officer iii) The petitioner shall fully co-operate with the investigation, including subjecting herself to the deemed police custody for the purpose of recovery, if any, as and when demanded. iv) The petitioner shall appear before the Investigating Officer between 10.00 a.m and 11.00 a.m every Saturday until the filing of the final report. v) The petitioner shall appear before the Investigating Officer as and when required. vi) The petitioner shall not commit any offence of similar nature while on bail. vii) The petitioner shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation. viii) The petitioner shall not leave the State of Kerala without the permission of the Jurisdictional Court.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law. Sd/- ZIYAD RAHMAN A.A., JUDGE
SMA