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Manu vs State of Kerala

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Court : Kerala

Decided On : Apr-25-2023

Judge : Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Bail Appl./2974/2023

Appellant : MANU

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR TUESDAY, THE 25TH DAY OF APRIL 2023 / 5TH VAISAKHA, 1945 BAIL APPL. NO. 2974 OF 2023 CRIME NO.87/2023 OF CHITHARA POLICE STATION, KOLLAM DISTRICT PETITIONERS/ACCUSED NOS1 & 2: 1 MANU AGED 35 YEARS S/O.PRASANNAN, CHARUVILA PUTHEN VEEDU, EYYAKKODU, PULLUPANA P.O, KADAKKAL, KOLLAM, PIN - 691536 2 JAYA AGED 55 YEARS W/O.PRASANNAN, CHARUVILA PUTHEN VEEDU, EYYAKKODU, PULLUPANA P.O, KADAKKAL, KOLLAM, PIN - 691536 BY ADVS. K.SIJU ANJANA KANNATH RESPONDENTS/STATE: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 THE STATION HOUSE OFFICER CHITHARA POLICE STATION, KOLLAM DISTRICT

PIN - 691559 BY ADV.SRI.P.G.MANU, PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.04.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.G. AJITHKUMAR, J.

---------- B.A.No. 2974 of 2023 ----------
Dated this the 25th day of April, 2023

ORDER

This is an application for anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. The petitioners are the accused in Crime

No.87 of 2023 of Chithara Police Station. They allegedly had committed the offences punishable under Section 498-A and 324 read with Section 34 of Indian Penal Code, 1860.

3. The prosecution allegation is that the 1 st

petitioner married the de facto complainant on 21.02.2021 and while they were living together as husband and wife at their matrimonial home, she was subjected to harassment by the petitioners demanding more gold and money. While so, on 22.06.2022, the de facto complainant was assaulted by the 2nd petitioner causing her injuries.

4. The petitioners would contend that they did not involve in the alleged crime and without any material or evidence, they were implicated in the crime.

5. On the instructions of the Sub inspector of Police, Chithara Police Station, the learned Public Prosecutor objected the grant of bail to the petitioners.

6. Having heard the learned counsel on both

sides and considered the nature of the offence, I am of the view that the detention of the petitioners during the period of investigation is not necessary in this case. In the result, the bail application is allowed and the applicants are directed to surrender before the investigating officer within two weeks. After interrogation and in the event of their being arrested, they shall be released on bail on the execution of a bond for Rs.50,000/- (Rupees fifty thousand only),

with two solvent sureties for the like amount each, to the satisfaction of the investigating officer, and on the following conditions:

(i) They shall not influence or intimidate witnesses or tamper with evidence;

(ii) They shall appear before the investigating officer as and when called for; and

(iii) During the bail period, they shall not get

involved in any offence. In case of breach of the bail conditions, the prosecution shall be at liberty to apply for cancellation of the bail before the jurisdictional court. Sd/- P.G. AJITHKUMAR, JUDGE SKP/25-04 APPENDIX OF BAIL APPL. 2974/2023 PETITIONERS ANNEXURES: ANNEXURE A1 THE CITIZEN COPY OF FIR IN CRIME NO.87/2023 OF CHITHARA POLICE STATION DATED 24.1.2023 RESPONDENTS' ANNEXURES:NIL TRUE COPY P.A.TO JUDGE

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