

Manikandan vs State of Kerala

Manikandan vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1373387

Court : Kerala

Decided On : Aug-01-2023

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

Appeal No. : Bail Appl./5655/2023

Appellant : Manikandan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
BAIL APPL. NO. 5655 OF 2023 CRIME NO.375/2023 OF
CHERPULASSERRY POLICE STATION PETITIONER/ACCUSED NO.1
TO 3:

1 MANIKANDAN AGED 30 YEARS KULATHULLIL HOUSE,
THEKKUMMURI, THOOTHU, PALAKKAD, PIN - 679357 2 SIVAN AGED
42 YEARS S/O. RAJAN, VINAYAK NAGAR, MANNARKAD, PALAKKAD,
PIN - 678582 3 MAHALAKSHMI AGED 38 YEARS W/O. SIVAN,
VINAYAK NAGAR, MANNARKAD, PALAKKAD, PIN - 678582 BY ADVS.

V.JOHN SEBASTIAN RALPH SHIFNA MUHAMMED SHUKKUR
GIRIDHAR KRISHNA KUMAR APOORVA RAMKUMAR VISHNU
CHANDRAN VISHNUMAYA M.B. RALPH RETI JOHN APPU BABU
GEETHU T.A.

RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
SRI.C.S.HRITHIK-SR.PP THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: :2 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
BAIL APPL. NO. 5980 OF 2023 CRIME NO.375/2023 OF
CHERPULASSERRY POLICE STATION PETITIONERS/ACCUSED
NO.4 & 5: 1 KUNJUKUTTAN, AGED 62 YEARS S/O. RAMAN
KANNATH RESIDING AT KULATHULLI HOUSE, THEKKUMURI,
THOOTHATHA, PALAKKAD, PIN - 2 KOUSALIYA, AGED 52 YEARS W/O.
KUNJUKUTTAN, RESIDING AT KULATHULLI HOUSE, THEKKUMURI,
THOOTHATHA, PALAKKAD, PIN - 679357 BY ADVS. V.JOHN SEBASTIAN
RALPH VISHNU CHANDRAN APPU BABU GIRIDHAR KRISHNA
KUMAR VISHNUMAYA M.B. GEETHU T.A. APOORVA RAMKUMAR
RALPH RETI JOHN SHIFNA MUHAMMED SHUKKUR
RESPONDENT/COMPLAINANT: STATE OF KERALA REPRESENTED
BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031
SMT.SEETHA.S-SR.PP THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 01.08.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: :3 :

ORDER

Dated this the 1st day of August, 2023 These are applications for anticipatory bail.

2. B.A. No.5655/2023 was filed by accused Nos.1 to 3,

whereas B.A. No.5980/2023 was filed by accused Nos.4 and 5 in crime No.375/2023 of Cherpulassery Police Station, which was registered for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006.

3. The allegation against the petitioners is that, the 1st

petitioner/1st accused married the victim girl aged 15 years. The 2nd and 3rd petitioners are the parents of the victim girl and they have arranged the marriage of the victim girl with the 1st accused and thereby committing the offence. The 4th and the 5th accused are the parents of the 1st accused and the allegation against them is that, they also made arrangement for the marriage. The crime was registered in such circumstances and as the petitioners apprehend arrest in connection with the investigation of the said case, this application for anticipatory bail is submitted.

4. Heard Sri. John Sebastian Ralph, the learned counsel :4 : appearing for the petitioners and Sri. C.S. Hritwik, the learned Senior Public Prosecutor for the State.

5. I have carefully gone through the records. One of the

specific contention put forward by the learned counsel for the petitioners is that, the 1st accused received a work visa for a job in Gulf. In order to obtain family visa, the victim was shown as wife and for the said purpose a customary marriage was performed. Apart from the same, no other acts were committed by the petitioners, contends the learned counsel. After considering all the relevant aspects, I am of the view that, the custodial interrogation may not be necessary. In such circumstances, interest of justice would be served, if the cooperation of the petitioners with the investigation is ensured. In such circumstances, this bail application is disposed of with the following directions:

(i) The petitioners shall surrender before the Investigating Officer, within a period of two weeks from today, for subjecting themselves to interrogation.

(ii) After interrogation, the petitioners shall be released on

bail on the very same day of surrender upon executing a bond for `1,00,000/- (Rupees One Lakh only) each with two solvent sureties each for the like sum to the :5 : satisfaction of the Investigating Officer.

(iii) The petitioners shall fully cooperate with the investigation, including subjecting themselves to the deemed police custody for recovery, if any, as and when demanded.

(iv) The petitioners 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 petitioners shall also appear before the Investigating Officer as and when required.

(vi) The petitioners shall not commit any offence of similar nature while on bail.

(vii) The petitioners 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 petitioners shall not leave India 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
ncd :6 : APPENDIX OF BAIL APPL. 5655/2023 PETITIONER ANNEXURES
Annexure 1 TRUE COPY OF THE FIR IN CRIME NO. STATION, PALAKKAD
DATED 04.07.2023 :7 : APPENDIX OF BAIL APPL. 5980/2023 PETITIONER
ANNEXURES Annexure 1 TRUE COPY OF THE FIR IN CRIME NO. STATION,
PALAKKAD DATED 04.07.2023