

Sunil Kumar vs the State of Kerala

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Court : Kerala

Decided On : Jun-27-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./129/2022

Appellant : Sunil Kumar

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS MONDAY, THE 27TH DAY OF JUNE 2022 / 6TH ASHADHA, 1944 AGAINST THE ORDER/JUDGMENT IN CRMC 2705/2021 OF I ADDITIONAL DISTRICT COURT, ERNAKULAM PETITIONER/ACCUSED: SUNIL KUMAR AGED 51 YEARS S/O.R.SURENDRAN NAIR, MAYOORAM, S.P.W. ROAD, THAIKKATTUKARA, ALUVA-683106. BY ADV K.G.MARY RESPONDENTS: 1 THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM PIN-682031.

2 SUB INSPECTOR OF POLICE, ALUVA EAST POLICE STATION, ALUVA-683101. BY ADV. NIMA JACOB - PP THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

===== B.A.No. 129 of 2022
===== Dated this the 27th day of June,
2022

ORDER

This is an application seeking pre-arrest bail filed under Section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner seeks pre-arrest bail in Crime No.2113/2021, of

the Aluva East Police Station, Ernakulam District, alleging offences under Sections 498A and 323 r/w Section 324 of the Indian Penal Code, 1860 and Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015.

3. The prosecution case is that the petitioner, who is the

husband of the de-facto complainant committed cruelty by physically harassing the de-facto complainant and their daughters and thereby, committed the offences alleged.

4. The learned counsel appearing for the petitioner would submit that the petitioner is absolutely innocent in the matter and that he is falsely implicated in the crime for justifying a matrimonial dispute.

5. I have heard the learned Public Prosecutor also.

6. Having regard to the facts and circumstances of the case

and considering the nature of the allegations against the petitioner, I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

7. In the result, this application is allowed. It is directed

that the petitioner shall be released on anticipatory bail, in the event of arrest in Crime No.2113/2021 of Aluva East Police Station, Ernakulam, subject to the following conditions: i) Petitioner shall execute a separate bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court. ii) Petitioner shall appear before the Investigating Officer in Crime No.2113/2021 of Aluva East Police Station as and when required. iii) Petitioner shall not attempt to contact the de-facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.2113/2021 of Aluva East Police Station. iv) Petitioner shall not involve in any other crime while on bail.

8. If any of the aforesaid conditions are violated, the

Investigating Officer in Crime No.2113/2021 of Aluva East Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- BECHU KURIAN THOMAS JUDGE ssa/

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