

Jibeesh vs State of Kerala

Jibeesh vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1444124

Court : Kerala

Decided On : Jul-12-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./527/2022

Appellant : Jibeesh

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 12TH DAY OF JULY 2022 / 21ST ASHADHA, 1944 CRIME NO. 10 OF 2022 OF THADIYITTAPARAMBA POLICE STATION, ERNAKULAM PETITIONER/ACCUSED: JIBEESH AGED 37 YEARS JIBEESH, SON OF JOSE.M.T, AGED 37 YEARS, MALIYEKAL HOUSE, SOUTH VAZHAKKULAM, ALUVA TALUK, ERNAKULAM DISTRICT, PIN 683105, PIN - 683105 BY ADV T.P.SANTHOSH KUMAR RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 ANMOL AGED 38 YEARS W/O JIBEESH, RESIDING AT MALIYEKAL HOUSE, SOUTH VAZHAKKULAM, ALUVA TALUK.

ERNAKULAM DISTRICT., PIN - 683105 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: PP SMT.M.K PUSHPALATHA ,ADV.LALU MATHEWS M.V FOR THE DEFACTO COMPLAINANT THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12.07.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

----- B.A.NO. 527 of 2022
----- Dated this the 12th day of July, 2022

ORDER

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

2. Petitioner is the 1st accused in Crime No.10/2022 of Thadiyittaparambu Police Station, Ernakulam District alleging offence under Section 498A and 324 of the Indian Penal Code, 1860.

3. The prosecution case is that the accused, who is the husband of the de facto complainant, harassed her mentally and physically in pursuance of his demand for dowry and hence, committed the offence.

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. Sri.Lalu Mathews M.V., the learned counsel for the de facto

complainant submitted that the petitioner and the respondent have settled their disputes and that they are residing together. However, the crime is still pending.

6. I have heard the learned Public Prosecutor also.

7. 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.

8. 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.10/2022 of Thadiyittaparambu Police Station 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.10/2022 of Thadiyittaparambu 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.10/2022 of Thadiyittaparambu Police Station.

(iv) Petitioner shall not involve in any other crime

while on bail. If any of the aforesaid conditions are violated, the Investigating officer in Crime No.10/2022 of Thadiyittaparambu Police Station may file an application before the jurisdictional Court for cancellation of bail. Sd/- BECHU KURIAN THOMAS, JUDGE AJM13/7/22

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com