

Kishore vs State of Kerala

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Court : Kerala

Decided On : Mar-07-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./587/2022

Appellant : Kishore

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
MONDAY, THE 7TH DAY OF MARCH 2022 / 16TH PHALGUNA, 1943
BAIL APPL. NO. 587 OF 2022 AGAINST THE ORDER IN CRMC
3200/2021 OF ADDITIONAL SESSIONS COURT - VI,
THIRUVANANTHAPURAM Crime No.2113/2021 of Marayamuttam
police station PETITIONER/ACCUSED 1 AND 2: 1 KISHORE AGED 27
YEARS S/O. KARUNAKARAN, MATHRU BHAVAN, AMBOORI P.O., 2
DHANYAMOL, AGED 36 YEARS D/O. ANITHA, PALAYATHIVILA
PUTHEN VEEDU, KUTTIYANIKADU, KEEZHARoor P.O., NOW
RESIDING AT ASWATHI BHAVAN, MALEVATTKUZHI,
KAMUKINCODE, KODANGAVILA P.O., BY ADVS. R.SUNIL KUMAR

A.SALINI LAL ARUN KRISHNA RESPONDENT/DE FACTO
COMPLAINANT AND STATE: STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA. BY ADV
SALMANUL FASIL O.P. SRI. T.R. RENJITH (SR.PP) THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 07.03.2022,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
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ORDER

This is an application for anticipatory bail.

2. Petitioners are accused Nos.1 and 2 in Crime No.2113/2021 of Marayamuttam police station, alleging commission of offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006.

3. Allegation against the petitioners is that the 1 st

petitioner married the daughter of the 2nd accused at a time when she was only 17 years of age. The other accused in the case are stated to be the President and Secretary of the temple where the marriage was solemnized.

4. Learned counsel appearing for the petitioner

submits that the marriage was not solemnized between the 1 st petitioner and the daughter of the 2 nd petitioner. It is submitted that only a ring exchange ceremony was conducted on the date in question. It is submitted that the Child Development Committee had taken up the matter maliciously and no offence has been committed by the petitioners. It is submitted that the marriage will be solemnized only after the daughter of the 2nd petitioner attains the age of majority.

5. I have heard the learned Public Prosecutor also. BAIL APPL. NO. 587 OF 2022
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6. Having regard to the facts and circumstances of the

case and considering the nature of the allegations against the petitioners, I am of the opinion that anticipatory bail can be granted to the petitioners subject to strict conditions as their custodial interrogation is not necessary for the purpose of any investigation. . In the result, this application is allowed. It is directed that the petitioner shall be released on bail, in the event of arrest in crime No.2113/2021 of Marayamuttam police Station subject to the following conditions:-

- (i) Petitioners shall execute separate bonds for sums of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the likesum to the satisfaction of the jurisdictional Court;
- (ii) Petitioners shall appear before the investigating officer in Crime No.2113/2021 of Marayamuttam Police station as and when summoned to do so;
- (iii) The petitioners shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.. 2113/2021 of Marayamuttam police station;
- (iv) The petitioners shall not involve in any other crime while on bail. BAIL APPL. NO. 587 OF 2022 4

If any of the aforesaid conditions are violated, the investigating officer in Crime No.2113/2021 of Marayamuttam police station may file an application before the jurisdictional Court, for cancellation of bail. sd/- GOPINATH P. JUDGE ajt

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