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Anil Kumar Mn vs State of Kerala

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Court : Kerala

Decided On : May-25-2022

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : Bail Appl./1392/2022

Appellant : Anil Kumar Mn

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P. WEDNESDAY, THE 25TH DAY OF MAY 2022 / 4TH JYAISHTA, 1944 BAIL APPL. NO. 1392 OF 2022 Crime No.95/2022 of North Parur Police Station PETITIONER/ACCUSED: ANIL KUMAR M.N AGED 38 YEARS MANJELLIPADAM, EROOR WEST PO, THRIPUNITHURA 682306., PIN - 682306 BY ADV AMAL DEV D RESPONDENT: 1 STATE OF KERALA HIGH COURT OF KERALA ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER, PARAVUR POLICE STATION, ERNAKULAM DISTRICT, PIN - 683513 BY ADV PUBLIC PROSECUTOR OTHER PRESENT: SRI. NOUSHAD K.A. (SR.PP) THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.05.2022, THE COURT ON

ORDER

The petitioner is the sole accused in Crime No.95/2022 of North Parur Police Station, Ernakulam District alleging commission of offences under Sections 323 and 498A of the Indian Penal Code.

2. The allegation against the petitioner is that the petitioner married the

de facto complainant on 23-05-2012. It is alleged that thereafter the petitioner treated the de facto complainant with cruelty and physically and mentally harassed her with a demand for more dowry. It is also alleged that the petitioner often came in an inebriated conditionand verbally abused the de facto complainant and her relatives. It is alleged that the gold ornaments belonging to the de facto complainant were encumbered by the petitioner. It is alleged that the petitioner had availed huge amounts of loans in the name of the de facto complainant and expended the same for his personal needs. It is also alleged that on 23-01-2022 the petitioner had grabbed the neck of the de facto complainant and hit with hand upon her face and thereby the petitioner committed the offences as alleged.

3. Learned counsel for the petitioner submits that the petitioner is

absolutely innocent in the matter and has been falsely implicated. It is also submitted that the allegations are raised only to settle other matrimonial disputes between the petitioner and the de facto complainant.

4. I have heard the learned Public Prosecutor also.

5. Having regard to the facts and circumstances of the case and considering the nature of allegations, I am of the view that the petitioner can be

granted anticipatory bail subject to conditions. I also note that custodial interrogation of the petitioner is not necessary for the purpose of any investigation. B.A. No.1392/2022 -3- In the result, this bail application is allowed. It is directed

that the petitioner shall be released on bail, in the event of his arrest in connection with Crime No.95/2022 of North Parur Police Station subject to the following conditions:-

(i) Petitioner shall execute 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 arresting officer;

(ii) Petitioner shall appear before the investigating officer in Crime No.95/2022 of North Parur Police Station as and when summoned to do so;

(iii) Petitioner shall not interfere with the investigation or to influence or intimidate the de facto complainant or any witness in Crime No.95/2022 of North Parur Police Station;

(v) 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.95/2022 of North Parur Police Station may file an application before the jurisdictional court for cancellation of bail.

Sd/- GOPINATH P. JUDGE AMG B.A. No.1392/2022 -4- APPENDIX OF BAIL APPL. 1392/2022 PETITIONER ANNEXURES Annexure1 TRUE COPY OF THE FIR REGISTERED IN CONNECTION WITH CRIME NO. 95/2022 OF PARAVUR POLICE STATION AGAINST THE APPLICANTS Annexure2 TRUE COPY OF THE ORDER DATED 15/02/2022 IN CRL.M.C NO. DISTRICT AND SESSIONS COURT, ERNAKULAM

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