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Molly vs State of Kerala

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Court : Kerala

Decided On : Jun-07-2022

Judge : Honourable Mr. Justice Bechu Kurian Thomas

Appeal No. : Bail Appl./1437/2022

Appellant : MOLLY

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS TUESDAY, THE 7TH DAY OF JUNE 2022 / 17TH JYAISHTA, 1944 (CRIME NO.104/2022 OF KUDIYANMALA POLICE STATION, KANNUR DIST.) PETITIONERS : 1 MOLLY, AGED 50 YEARS, WIFE OF KURIAN, THAZHATHU VEETTIL, ERUVESSY AMSOM DESOM, VALIYA AREEKKAMALA.P.O., TALIPARAMBA TALUK, KANNUR DIST KANNUR, PIN - 670 582 2 SALOMI PRINCE, AGED 49 YEARS, D/O. JOSEPH, AGED 49 YEARS, MUTHUPUNNACKAL HOUSE, KARUVANCHAL.P.O, TALIPARAMBA TALUK, KANNUR DIST, PIN - 670 571 3 SEEJAMMA.T.J., D/O. JOSEPH, AGED 43 YEARS, VETTATH HOUSE, CHANDANAKKAMPARA.P.O, MADHUVANMALA, TALIPARAMBA TALUK, KANNUR DIST. KANNUR, PIN - 670 633

BY ADVS. A.C.VENUGOPAL VIDHYA. A.C RESPONDENTS : 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031 2 STATION HOUSE OFFICER, KUDIYANMALA POLICE STATION, KANNUR DIST., PIN-670582 BY SMT.M.K PUSHPALATHA, SENIOR PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

=-=-=-=-=-=-=-=-=-=-=-=- B.A.No.1437 of 2022 =-=-=-=-=-=-=-=-=-=-= Dated this the 7th day of June, 2022

ORDER

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

2. The first petitioner is the daughter-in-law while petitioners

2 and 3 are the daughters of the de facto complainant. They are arrayed as accused Nos.2 to 4 in Crime No.104/2022 of Kudiyanmala Police Station, Kannur District alleging offences under Sections 342, 323, 365 r/w. Section 34 of the Indian Penal Code, 1860.

2. According to the prosecution, petitioners along with the first accused kidnapped the de facto complainant in a car and took her to a hospital and wrongfully confined and assaulted her.

3. Sri.A.C.Venugopal, the learned counsel for the petitioners

contended that the allegations against the petitioners are all false and that the same is the result of a property dispute between the family members of the de facto complainant. It is also submitted that the first accused has already been released on bail.

4. The learned Public Prosecutor, on the other hand

submitted that the offences alleged against the petitioners are serious in nature requiring custodial interrogation. It is submitted that the de facto complainant is a 73 year old lady and that in the absence of interrogation, the truth cannot be unraveled.

5. Considering the circumstances arising in the case and on an appreciation of the arguments addressed, I am of the view that this application for pre-arrest bail can be allowed on the following conditions :-

(i) Petitioners shall appear before the Investigating Officer on 10.06.2022 and shall subject themselves to interrogation.

(ii) If after interrogation, the Investigating Officer proposes to

arrest the petitioners, then, they shall be released on bail on them executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum.

(iii) Petitioners shall appear before the Investigating Officer as and when required.

(iv) Petitioners shall not intimidate or attempt to influence the witnesses; nor shall they tamper with the evidence or contact the victim or their family members;

(v) The applicants shall not leave India without the permission of the Court having jurisdiction.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court. The bail application is allowed as above. Sd/- BECHU KURIAN THOMAS, JUDGE RKM

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