

Muneer vs State of Kerala

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Court : Kerala

Decided On : Feb-26-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./1007/2021

Appellant : Muneer

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. FRIDAY,
THE 26TH DAY OF FEBRUARY 2021 / 7TH PHALGUNA, 1942 CRIME
NO.8/2021 OF Cherpulassery Police Station , Palakkad
PETITIONER/ACCUSED :- 1 MUNEER AGED 32 YEARS S/O LATE
MUHAMMEDKUTTY, KILAYINGAL HOUSE, 2 RAZIYA AGED 51
YEARS W/O LATE MUHAMMEDKUTTY, KILAYINGAL HOUSE, PIN -
679503 BY ADV. SRI.C.DHEERAJ RAJAN RESPONDENT : STATE OF
KERALA REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA PIN - 682031 SRI AJITH MURALI-PP THIS BAIL
APPLICATION HAVING COME UP FOR ADMISSION ON 26.02.2021,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 26th day of February, 2021 Application for pre-arrest bail.

2. Petitioners are the accused Nos.1 and 2 in Crime No.8 of 2021 of Cherpulassery Police Station registered for the offences punishable under Sections 498-A r/w Section 34 of the Indian Penal Code.

3. The first petitioner is the husband of the

defacto complainant and the second petitioner is his mother. They ill treated and subjected the defacto complainant to cruelty both mentally and physically from 01.03.2020 to 15.08.2020 and thereby committed the aforesaid offence.

4. Heard the learned counsel for the petitioners as well the learned Public Prosecutor.

5. The learned counsel for the petitioners would

submit that that they have been falsely implicated in the case at the instigation of the defacto complainant. But they apprehend arrest and hence this application.

6. The learned Public Prosecutor would submit that the investigation of the case is well in progress.

7. The marriage of the defacto complainant and

the first petitioner was solemnized on 29.02.2020. It appears that they resided together as husband and wife only for a short period as she had left the matrimonial home on 15.08.2020.

8. As such it is not revealed from the records that custodial interrogation of these petitioners are absolutely necessary for the investigating agency to proceed with the investigation of the case. Such being the case, the request for pre-arrest bail can be granted subject to the following conditions :-

(i) The petitioners shall be released on bail on

executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties for the like sum each to the satisfaction of the investigating officer in the event of their arrest.

(ii) They shall appear before the Investigating Officer for interrogation as and when required by him, in writing. (iii) They shall co-operate with the investigation and trial of the case.

(iv) They shall not directly or indirectly, make

any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(v) They shall not commit any offence while on

bail. In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the law. Sd/- SHIRCY V. JUDGE
SMA

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