

X vs State of Kerala

X vs State of Kerala

SooperKanoon Citation : sooperkanoon.com/1614709

Court : Kerala

Decided On : Mar-19-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./2271/2021

Appellant : X

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. FRIDAY,
THE 19TH DAY OF MARCH 2021 / 28TH PHALGUNA, 1942 CRIME
NO.161/2021 OF Pavaratty Police Station , Thrissur
PETITIONER/ACCUSED :- 1 XXX XXX 2 XXX XXX 3 XXX XXX 4 XXX
XXX 5 XXX XXX BY ADV. SMT.POOJA PANKAJ RESPONDENT :-
STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA ERNAKULAM - 682031 SR.PP C.N
PRABAKARAN THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 19.03.2021, THE COURT ON THE SAME DAY
PASSED THE FOLLOWING:

ORDER

Dated this the 19th day of March 2021 Application for pre-arrest bail.

2. Petitioners are the accused Nos. 1 to 5 in Crime No.161 of 2021 of Pavaratty Police Station in

Thrissur District registered for the offences punishable under Sections 498(A) r/w 34 of the Indian Penal Code and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

3. The prosecution case is as follows :-

The first accused has married the defacto complainant on 07.02.2010 as per the custom of their community and they resided together as husband and wife and a child was born to them in the wedlock. She was presented with gold ornaments and money at the time of her marriage by her parents. The first petitioner along with the other petitioners have appropriated her gold ornaments and money and subjected her to cruelty both mentally and physically demanding more money. The third

petitioner, who is the mother-in-law of the defacto complainant has also caused injury to the minor child one day in the year 2014. Thereby, they have committed the aforesaid offences.

4. Heard both sides.

5. The learned counsel for the petitioners would submit that the allegations levelled against these petitioners are absolutely false and baseless. In fact, the defacto complainant and her child were residing together at the residence of the first

petitioner along with his parents till 2020. Thereafter, due to some difference of opinion they started to reside separately and then on 11.01.2021 she preferred the complaint raising false allegations against the aged parents, brother of the first petitioner as well his wife. In fact, the petitioners 4 and 5 are not even residing in the residential

house along with the first petitioner
police and hence this application.

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

Having regard to the nature of the accusation levelled against these petitioners and the fact and circumstances involved in this case, I think that custodial interrogation of these petitioners may not be necessary to proceed with the investigation of the case, which is already well in progress. Therefore, I am inclined to grant pre-arrest bail to these petitioners 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

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