

X vs State of Kerala

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Court : Kerala

Decided On : May-17-2021

Judge : Honourable Mrs. Justice Shircy V.

Appeal No. : Bail Appl./3054/2021

Appellant : X

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE SHIRCY V. MONDAY, THE 17TH DAY OF MAY 2021 / 27TH VAISAKHA, 1943 BAIL APPL. NO 3054 OF 2021 CRIME NO. 145 OF 2021 OF AMBALATHARA POLICE STATION PETITIONERS/ACCUSED:

1. AAA AGED 54 YEARS, AAA, KASARGOD PIN 671 531 2.DDD AGED 32 YEARS, BBB, PIN-671531
3. BBB AGED 50 YEARS DDD, PIN-671 531
4. CCC AGED 24 YEARS CCC, PIN 671 531

BY ADVS A.ARUNKUMAR RESPONDENT: 1.STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM, PIN 682 031 BY PUBLIC PROSECUTOR SRI. AJITH MURALI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17.05.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

DATED THIS THE 17TH DAY OF MAY, 2021 Application for pre-arrest bail.

2. The petitioners are accused Nos.1 to 4 in Crime No.145

of 2021 of Ambalathara Police Station, Kasaragod District registered for the offences punishable under Sections 498A and 323 of the Indian Penal Code and Section 75 of the Juvenile Justice (Care and Protection) Act.

3. The prosecution allegation is that the petitioners who

are the in-laws of the defacto complainant had subjected her to physical and mental cruelty during her stay at her matrimonial home along with them and they have also harassed the minor child of the defacto complainant and thereby committed the aforesaid offences.

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

5. According to the learned counsel for the petitioners,

they are falsely implicated in the case by the defacto complainant who is residing along with her husband, the son of the first petitioner. In fact, there was some minor family issues between them. Now it has been settled between the husband and wife and thereafter the defacto complainant has falsely implicated these petitioners in this case. But they apprehend arrest and hence, the application.

6. The learned Public Prosecutor has submitted that the investigation of the case is well in progress. Having regard to the nature of the accusations levelled against these petitioners, the other

facts and circumstances involved in this case, I think that this

application for pre-arrest bail can be granted. Therefore, this application is allowed subject to the following conditions:

(i) The petitioners shall be released on bail after

interrogation, by each of them executing a bond for a sum of Rs. 50,000/- (Rupees Fifty thousand only) with two solvent sureties for the like sum each in the event of arrest by the police in connection with the above crime.

(ii) They shall make themselves available for interrogation before the Investigating Officer as and when required by him in writing. They shall co-operate with the investigation of the case .

(iii) 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.

(iv) 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 smm

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