

Amith.S.Menon vs State of Kerala

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Court : Kerala

Decided On : May-29-2020

Judge : Honourable Mr. Justice Raja Vijayaraghavan V

Appeal No. : Bail Appl./1514/2020

Appellant : Amith.S.Menon

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V FRIDAY, THE 29TH DAY OF MAY 2020 / 8TH JYAISHTA, 1942 Bail Appl..No.1514 OF 2020 CRIME NO.993/2019 OF KUNNAMKULAM POLICE STATION , THRISSUR PETITIONER/1ST ACCUSED: AMITH.S.MENON AGED 29 YEARS S/O.SASIDHARAN MENON, SOUPARNIKA, KIZHUR DESOM, KUNNAMKULAM VILLAGE, KUNNAMKULAM TALUK. BY ADVS. SRI.SAIJO HASSAN SRI.BENOJ C AUGUSTIN SMT.SURYA P SHAJI SHRI.MANAS P HAMEED SHRI.GAUTHAM MOHAN H. SMT.AATHIRA SUNNY

RESPONDENT/STATE: STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM-31. SRI AJITH

MURALI PUBLIC PROSECUTOR THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29.05.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: Bail Appl..No.1514 OF 2020 2

ORDER

This application is filed under Section 438 of the Code of Criminal Procedure.

2. This application is taken up and heard through Videoconferencing.

3. The petitioner is arrayed as the accused No. 1 in Crime No.

993 of 2019 of Kunnamkulam Police Station, Thrissur, registered under Sections 406, 420, 498A r/w. Section 34 of the Indian Penal Code. The accused Nos.2 and 3 are his father and sister respectively. The aforesaid crime has been registered at the instance of the wife of the petitioner.

4. The marriage between the petitioner and the de facto

complainant was solemnized on 17.08.2018. It is alleged that while residing as husband and wife in the matrimonial home, the petitioner herein subjected the lady to matrimonial cruelty demanding dowry.

5. Sri.Saijo Hassan, the learned counsel, submitted that the

accused Nos.2 and 3 were granted an order of pre-arrest bail by the Court of Session. He would further contend that there is no truth in the allegations levelled by the de facto complainant. The parties fell apart due to minor differences within a short period and though earnest Bail Appl..No.1514 OF 2020 3 efforts were taken to settle the disputes, due to various reasons, the efforts did not materialise. He points out that though the provision was enacted to check and curb the menace of dowry, in the instant case, the provisions are being misused.

6. I have heard the learned Public Prosecutor and have gone

through the materials that have been made available. The allegations now levelled do not appear to be grave warranting arrest and detention of the petitioner. I am of

the considered view that the custodial interrogation of the petitioner is not necessary for an effective investigation in the instant case.

7. In the result, this application will stand allowed. The

petitioner shall appear before the investigating officer within ten days from today and shall undergo interrogation. Thereafter, if he is proposed to be arrested, he shall be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum. The above order shall be subject to the following conditions:

(i) The petitioner shall co-operate with the

investigation and shall appear before the Investigating Officer on every Saturdays between 10 A.M and 1 P.M. for a period of one month or till final report is filed whichever is earlier. Bail Appl..No.1514 OF 2020 4 ii) He 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/her from disclosing such facts to the court or to any police officer. iii) He shall not commit any similar offence while on bail. 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. Sd/- RAJA VIJAYARAGHAVAN V JUDGE ps

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