

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 29TH DECEMBER 2006 / 8TH POUSHA 1928

Bail Appl..No. 7660 of 2006()

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CRIME NO.1298/2006 OF KOLLAM EAST POLICE STATION

PETITIONER/ACCUSED:

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K.SIVAPRASAD,  
S/O.KOCHUKRISHNAN, MULLATHARA PADINJATTATHIL,  
THEKKEVILA CHERRY, MUNDACKAL VILLAGE, KOLLAM.

BY ADV. SRI.P.A.NOOR MUHAMMED  
SRI.C.K.PRASAD

RESPONDENTS: COMPLAINANT:

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STATE OF KERALA,  
REPRESENTED BY THE S.I.OF POLICE, KOLLAM EAST  
POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR, SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 29/12/2006, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**M.N.KRISHNAN, J**

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B.A.No.7660 OF 2006  
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Dated this the 29<sup>th</sup> day of December, 2006

**O R D E R**

This is an application for bail under Section 438 of the Cr.P.C. The wife has filed a petition under Section 498 A against the husband and the husband has sought anticipatory bail. The matrimonial relationship is in existence for 16 years. It is submitted by the learned counsel for the petitioner that he had filed an application for divorce on the ground of adultery against the wife and it is only as a counter blast that the petition under Section 498 A has been filed.

2. Learned Public Prosecutor submits that there is no injury sustained by the defacto complainant viz. the wife. Sending the husband to jail will only spoil any chance of reunion in a matrimonial dispute and as they are living separately now, no harm will be caused by granting bail to the petitioner.

3. Therefore the petition is allowed and the petitioner will be released on bail in the event of arrest on the following conditions.

(i) He shall execute a bond for Rs.15,000/- with two solvent

sureties each for the like amount to the satisfaction of the officer arresting him.

(ii) This order shall be in force for a period of 30 days.

(iii) The petitioner shall make himself available for interrogation whenever necessary.

(iv) He shall not influence or intimidate any witnesses.

**M.N.KRISHNAN**  
**Judge**

k kb.