

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 31ST DAY OF OCTOBER 2012/9TH KARTHIKA 1934

Bail Appl..No. 7923 of 2012 ()
CRIME NO.834/12 OF KONNI POLICE STATION

ACCUSED(S)/ACCUSED 1-3:

1. PRASANAN, AGED 38 YEARS
S/O.SARASIYAKSHAN, NARIKUZHIYIL HOUSE, URUMBINI
KOCHUKOYICKAL P.O., SEETHATHODU VILLAGE
PATHANAMTHITTA DISTRICT.
2. SARASIYAKSHAN, AGED 67 YEARS
NARIKUZHIYIL HOUSE, URUMBINI, KOCHUKOYICKAL P.O.
SEETHATHODU VILLAGE, PATHANAMTHITTA DISTRICT.
3. CHANDRAMATHY, AGED 64 YEARS
W/O.SARASIYAKSHAN, NARIKUZHIYIL HOUSE, URUMBINI
KOCHUKOYICKAL P.O., SEETHATHODU VILLAGE
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW

COMPLAINANT(S)/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MR RAJESH VIJAYAN

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 31-10-2012, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.BHAVADASAN, J.

BA No.7923 of 2012

Dated this the 31st day of October 2012

Order

This petition is filed under Section 438 of Cr.PC., seeking anticipatory bail. The petitioners are the accused in Crime No.834/12 of Konni Police Station for having committed the offences punishable under Sections 406, 498A r/w 34 IPC. The marriage between the first petitioner and the defacto complainant was solemnized on 20.01.2008 and a baby boy was born to them in the wedlock. The allegation against the petitioners is that they harassed and tortured the defacto complainant demanding more dowry.

2. After having gone through the petition and heard the learned counsel for the petitioners and the learned Public Prosecutor and also having gone through the CD, it is felt that this is a fit case warranting exercise of the extra ordinary jurisdiction of this court under Section 438 of Cr.PC. Accordingly, this application is allowed as follows :

1. The petitioners shall surrender before the Investigating Officer on or before 08.11.2012, who, after interrogation, shall produce them before the JFCM concerned.
2. On applications being filed by the petitioners before the JFCM concerned, they shall be released on bail on each of them executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two solvent sureties each for the like sum each to the satisfaction of the JFCM concerned.
3. The learned Magistrate shall ensure the identity of the sureties and also the veracity of the tax receipts produced by the sureties before granting bail to the petitioners.
4. The petitioners shall appear before the Investigating Officer as and when required by him, till final report is filed.
5. The petitioners shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses.
6. If any of the conditions is violated, the bail granted shall stand cancelled and the JFCM concerned, on being satisfied of the said fact, may take such steps as are available to him in law.

P.Bhavadasan, Judge

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