

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

MONDAY, THE 31ST DAY OF DECEMBER 2012/10TH POUSHA 1934

Bail Appl..No. 9504 of 2012 ()

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(CRIME NO. 238/2012 OF PERINGOME POLICE STATION, KANNUR DISTRICT)**

**PETITIONERS/ACCUSED NO. 1 TO 4 :
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- 1. SHAJI KANHIRIKEEL, AGED 33 YEARS
S/O. CHANDUKUNHI, CHARALKOODAM,
PADIYOTCHAL (P.O.) KANNUR DISTRICT.**
- 2. P.CHANDUKUNHI, AGED 67 YEARS
F/O. SHAJI KANHIRIKEEL, CHARALKOODAM
PADIYOTCHAL (P.O.), KANNUR DISTRICT.**
- 3. NARAYANI KANHIRIKEEL, AGED 62 YEARS
W/O. CHANDUKUNHI, CHARALKOODAM,
PADIYOTCHAL (P.O.) KANNUR DISTRICT.**
- 4. SASI KANHIRIKEEL, AGED 44 YEARS
S/O. CHANDUKUNHI, CHARALKOODAM,
PADIYOTCHAL (P.O.)KANNUR DISTRICT.**

**BY ADVS.SRI.ZUBAIR PULIKKOOL
SRI.P.S.BINU**

**RESPONDENT/COMPLAINANT :
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**STATE OF KERALA
REPRESENTED BY PUBLIC PROSEUCTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTORSRI. V.S. SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31-12-2012, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

BP

P.BHAVADASAN, J.

BA No.9504 of 2012

Dated this the 31st day of December 2012

Order

On a private complaint filed by the defacto complainant, which was referred for investigation under S.156(3) of Cr.PC, Crime No.238/12 of Peringome Police Station was registered against the petitioners for the offences punishable under S.498(A) r/w S.34 IPC. The petitioners would say that they are totally innocent and have been implicated with ulterior motives.

2. Since the matter involves a matrimonial dispute and the chance of reunion of the parties cannot be ruled out, it is felt that this is a fit case warranting exercise of the extra ordinary jurisdiction of this court under S.438 Cr.PC. The application is accordingly allowed as follows :

1. The petitioners shall surrender before the Investigating Officer on or before 09.01.2013, 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.15,000/- (Rupees Fifteen 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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