

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 27TH DAY OF APRIL 2018 / 7TH VAISAKHA, 1940

Bail Appl..No. 2386 of 2018

AGAINST THE ORDER IN CRL.M.C.NO.341/2018 OF SESSIONS COURT,
THALASSERY DATED 17-03-2018

PETITIONER/ACCUSED :-

PREMARAJAN K., AGED 51 YEARS,
S/O. YESODHA, RESIDING AT M.P. HOUSE,
P.O. KANDOTH, VELLUR VILLAGE,
PAYYANNUR (VIA), KANNUR DISTRICT.

BY ADVS.SRI.M.SASINDRAN
SRI.P.K.SUBHASH

RESPONDENTS/COMPLAINANT & STATE :-

1. STATE OF KERALA - REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 682 031.
2. THE STATION HOUSE OFFICER
(CRIME NO 56/2018 CHERUPUZHA POLICE STATION,
CHERUPUZHA, KANNUR DISTRICT, PIN - 670 001.

BY SRI.C.K.PRASAD, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27-04-2018,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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B.SUDHEENDRA KUMAR, J.

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B.A No.2386 of 2018

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Dated this the 27th day of April, 2018

ORDER

The petitioner is the accused in Crime No.56 of 2018 of Cherupuzha Police Station registered for the offences under Sections 323, 324, 506(ii), 452 and 498A IPC.

2. The petitioner has filed this application under Section 438 Cr.P.C.

3. Heard.

4. The learned Public Prosecutor has no serious objection in allowing the application.

5. The petitioner is the husband of the defacto complainant. If the petitioner is sent to jail, the chance for reconciliation will be hampered. Considering the facts and circumstances of the case, I am of the view that custodial interrogation of the petitioner is not necessary in this case. For the said reason, I am inclined to allow this application.

In the result, this application stands

allowed under the following conditions:-

a) The petitioner shall surrender before the Investigating Officer within ten days, if not arrested in the meantime.

b) In the event of such surrender or arrest, the Investigating Officer shall interrogate the petitioner and produce the petitioner before the jurisdictional Magistrate on the very same day.

c) In the event of production of the petitioner before the jurisdictional Magistrate, the petitioner shall be enlarged on bail on his executing a bond for Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties, each for the like sum to the satisfaction of the learned Magistrate and subject to the further conditions;

i. The petitioner shall report before the Investigating Officer on every Monday between 9.00 a.m. and 11.00 a.m. for three months, and thereafter as and when required by the Investigating Officer for interrogation.

ii. The petitioner shall not enter into the jurisdiction of Cherupuzha Police Station for six months, or till the filing of the final report, whichever is earlier,

without the leave of the learned Magistrate except for the purpose of reporting before the Investigating Officer as directed above.

iii. The petitioner shall not get involved in any offence during the pendency of this case.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

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