

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 30TH DAY OF JUNE 2022 / 9TH ASHADHA, 1944

BAIL APPL. NO. 3344 OF 2022

[IN CRIME NO.301/2022 OF VADAKARA POLICE STATION, KOZHIKODE]

PETITIONER/ACCUSED NO.1:

BINU K.K
AGED 40 YEARS, S.O.KRISHNAN,
KINARULLA KANDIYIL HOUSE, SIDHASAMAJAM PO, KUTTOTH,
VILLIAPPALLY, VATAKARA TALUK, KOZHIKODE, PIN - 673104

BY ADVS.
P.JERIL BABU
SRINATH GIRISH

RESPONDENT/COMPLAINANT & STATE:

THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, PIN - 682031

BY ADV SRI. NOUSHAD K. A-PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
30.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

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B.A.No. 3344 of 2022

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Dated this the 30th day of June, 2022

ORDER

This is an application seeking pre-arrest bail filed under Section 438 of Code of Criminal Procedure, 1973.

2. Petitioner seeks pre-arrest bail in Crime No.301/2022 of Vadakara Police Station, Kozhikode Rural, alleging offences under Sections 498A, 420 and 323 r/w Section 324 of the Indian Penal Code, 1860.

3. The prosecution case is that the petitioner, who is the husband of the de-facto complainant, committed cruelty by harassing her mentally and physically demanding more gold and cash as dowry and by riding the motorcycle towards her, which caused her to sustain injuries and committing the offences alleged.

4. The learned counsel appearing for the petitioner

would submit that the petitioner is absolutely innocent in the matter and that he is falsely implicated in the crime for justifying a matrimonial dispute.

5. I have heard the learned Public Prosecutor also.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations against the petitioner, I am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

7. In the result, this application is allowed. It is directed that the petitioner shall be released on anticipatory bail, in the event of arrest in Crime No.301/2022 of Vadakara Police Station, Kozhikode, subject to the following conditions:

i) Petitioner shall execute a bond for a sum of Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the jurisdictional Court.

ii) Petitioner shall appear before the Investigating Officer in Crime No.301/2022 of Vadakara Police Station as and when required.

iii) Petitioner shall not attempt to contact the

de-facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.301/2022 of Vadakara Police Station.

iv) Petitioner shall not involve in any other crime while on bail.

8. If any of the aforesaid conditions are violated, the Investigating Officer in Crime No.301/2022 of Vadakara Police Station may file an application before the jurisdictional Court for cancellation of bail.

**Sd/-
BECHU KURIAN THOMAS
JUDGE**

ssa/