

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

MONDAY, THE 11TH DAY OF JULY 2022 / 20TH ASHADHA, 1944

BAIL APPL. NO. 3870 OF 2022

CRIME NO.339 OF 2022 OF MAVELIKKARA POLICE STATION,

ALAPPUZHA

PETITIONERS/A1 TO A4:

- 1 NAVEEN.N
 AGED 24 YEARS, S/O NEJIKUMAR,
 KAVINTEKIZHAKKETHIL,
 PONAKAM, MAVELIKARA (PO) ,
 ALAPUZHA DISTRICT, PIN - 690101
- 2 UMA
 AGED 46 YEARS, W/O NEJIKUMAR,
 KAVINTEKIZHAKKETHIL,
 PONAKAM, MAVELIKARA (PO) ,
 ALAPUZHA DISTRICT, PIN - 690101
- 3 NEJI KUMAR
 AGED 51 YEARS,S/O NANU,
 KAVINTEKIZHAKKETHIL,
 PONAKAM, MAVELIKARA (PO) ,
 ALAPUZHA DISTRICT, PIN - 690101
- 4 UMESH
 AGED 22 YEARS, S/O NEJIKUMAR,
 KAVINTEKIZHAKKETHIL,
 PONAKAM, MAVELIKARA (PO) ,
 ALAPUZHA DISTRICT, PIN - 690101

BY ADVS.
SRI.R.REJI
SRI.M.V.THAMBAN
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE

B.A. No.3870/22

-:2:-

SRI.SUNEESH KUMAR R.

RESPONDENTS/STATE:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM PIN - 682031
- 2 THE STATION HOUSE OFFICER
MAVELIKARA POLICE STATION,
MAVELIKARA (PO) ,
ALAPUZHA DISTRICT, PIN - 690101

BY SRI.NOUSHAD K.A, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
11.07.2022, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A. No.3870 of 2022

Dated this the 11th day of July, 2022

ORDER

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

2. Petitioners are accused Nos. 1 to 4 in Crime No.339 of 2022 of Mavelikkara Police Station, Alappuzha District alleging offences under Sections 498A, 294(b), 323 and 506 r/w section 34 of the Indian Penal Code, 1860.

3. The prosecution case is that the accused, who are the husband, mother-in-law, father-in-law and brother-in-law respectively of the defacto complainant, harassed her mentally and physically in pursuance of their demand for dowry and hence, committed the offences.

4. The learned counsel appearing for the petitioners would submit that the petitioners are absolutely innocent in the matter and that they are 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 petitioners, I am of the opinion that the petitioners can be granted anticipatory bail subject to conditions.

7. In the result, this application is allowed. It is directed that the petitioners shall be released on anticipatory bail, in the event of arrest in Crime No.339 of 2022 of Mavelikkara Police Station subject to the following conditions:

- (i) Petitioners shall execute a separate 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) Petitioners shall appear before the Investigating Officer in Crime No.339 of 2022 of Mavelikkara Police Station as and when required.
- (iii) Petitioners shall not attempt to contact the de facto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.339 of 2022 of Mavelikkara Police Station.
- (iv) Petitioners shall not involve in any other similar crimes while on bail.

If any of the aforesaid conditions are violated, the Investigating officer in Crime No.339 of 2022 of Mavelikkara Police Station may file an application before the jurisdictional Court for cancellation of bail.

Sd/-

BECHU KURIAN THOMAS
JUDGE

vps

/True Copy/

PS to Judge