

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

THURSDAY, THE 20<sup>TH</sup> DAY OF JULY 2023 / 29TH ASHADHA, 1945

BAIL APPL. NO. 4191 OF 2023

CRIME NO.679/2023 OF Kalamassery Police Station, Ernakulam

PETITIONER/ACCUSED NO.1 AND 2:

1 ANIL KUMAR S.,  
AGED 46 YEARS,  
S/O.SATHYAN P, KIZHAKKUMKARA VEEDU, THOTTUMPURAM,  
KALLIPPARA, PACHA P.O.,NANNIYODE, PALODE,  
THIRUVANANTHAPURAM, PIN - 695 562.

2 SUBHASHINI K,  
AGED 68 YEARS,  
W/O.SATHYAN P, KIZHAKKUMKARA VEEDU, THOTTUMPURAM,  
KALLIPPARA, PACHA P.O.,NANNIYODE, PALODE,  
THIRUVANANTHAPURAM, PIN - 695 562.

BY ADVS.  
K.Y.SAJEEB  
LAKSHMI C.V.

RESPONDENTS/STATE/DE FACTO COMPLAINANT:

1 STATE OF KERALA,  
REPRESENTED BY PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, PIN - 682 031.

2 PULARI N.P.,  
AGED 37 YEARS,  
D/O.PUSHPAN, NARANATH HOUSE, NEAR GOVT. L.P.  
SCHOOL ELOOR, NOW RESIDING AT RENTED HOUSE OF  
PUTHALATH SREEKOVIL, NEAR

*PATHEMPEUS CHURCH, NORTH KALAMASSERRY,  
ERNAKULAM DISTRICT, PIN - 683 104.*

*BY ADVS.*

*PUBLIC PROSECUTOR*

*Sruthi Das*

*VISHNU DAS (K/001669/2018)*

*MARIA NEETHU T.J (K/000581/2021)*

*ANJITHA ANIL KUMAR (K/000875/2021)*

*ANAGHA A.S. (K/001213/2022)*

*THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
20.07.2023, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:*

**ORDER**

This is an application filed u/s 438 of the Code of Criminal Procedure seeking pre-arrest bail.

2. Petitioners are accused Nos.1 and 2 in Crime No.679 of 2023 of Kalamassery Police Station, Offences alleged against the petitioners is under Section 498 A IPC.

3. The prosecution case is that, after the marriage between the *de facto* complainant and the 1<sup>st</sup> accused on 27.04.2008, the *de facto* complainant was subjected to ill-treatment both physically and mentally by making demands of more dowry and thereby offence was committed by the petitioners. The 2<sup>nd</sup> petitioner is the mother of the 1<sup>st</sup> petitioner. The crime was registered in such circumstances and as the petitioners apprehend arrest in connection with the investigation of the said case, this application for anticipatory bail is submitted.

4. Heard Sri.K.Y.Sajeeb, learned counsel for the petitioners and Smt.Sreeja V., learned Senior Public Prosecutor for the State and Smt.Sruthi Das, learned counsel for the *de facto*

complainant.

5. I have gone through the records. It is true that, there is certain allegations against the petitioners. However, considering the relationship between the parties and the nature of allegations, I do not find any necessity of custodial interrogation of the petitioners. Interest of justice would be served if the cooperation of the petitioners is ensured. Accordingly, this bail application is disposed of with the following conditions:

- (i) The petitioners shall surrender before the Investigating officer, within a period of two weeks from today, for subjecting themselves for interrogation.
- (ii) After interrogation, the petitioners shall be released on bail, on the very same day of surrender upon the petitioners executing a bond for Rs 1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum, to the satisfaction of the investigating officer.
- (iii) The petitioners shall fully co-operate with the investigation, including subjecting themselves to the deemed police custody for the purpose of recovery, if any, as and when demanded.

(iv) The petitioners shall appear before the investigating officer between 10.00 a.m and 11.00 a.m on every Wedenday until filing of final report.

(v) The petitioners shall also appear before the investigating officer as and when required.

(vi) The petitioners shall not commit any offence of similar nature while on bail.

(vii) The petitioners shall not make any attempt to contact any of the prosecution witnesses, directly or through any other person, or in any other way try to tamper with the evidence or influence any witnesses or other persons related to the investigation.

(viii) The petitioners shall not leave India without the permission of the trial Court.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any, and pass appropriate orders in accordance with the law.

Sd/-

**ZIYAD RAHMAN A.A.**  
**JUDGE**

DG/22.7.23

APPENDIX OF BAIL APPL. 4191/2023

*PETITIONER ANNEXURES*

*Annexure1                      THE TRUE COPY OF FIR IN CRIME. NO.  
679/2023 OF KALAMASSERRY POLICE STATION,  
ERNAKULAM DISTRICT DATED 06/04/2023*

*Annexure2                      THE TRUE COPY OF THE MEDICAL RECORDS OF  
THE 2ND PETITIONER ISSUED FROM MEDICAL  
COLLEGE HOSPITAL, THIRUVANANTHAPURAM*