

IN THE COURT OF SESSION, MANJERI DIVISION

Present:- Sri. Muralee Krishna S., Sessions Judge

Saturday, the 22nd day of October, 2022**CRIMINAL MISCELLANEOUS CASE No. 1101/2022****Crime No.680/2022 of Areekode Police Station****Between:-**

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| <ol style="list-style-type: none"> 1. V Kesavan Namboodiri, S/o.Vasudevan Namboodiri.V, Vattappuzha Illam, Vilayil, Vilayil Post, Kuzhimanna-Via, Presently residing at Sopanam House, Near Highlite Mall, Poovangal Post, Kommeri Via, Pin-673007. 2. V Amsumathi Antharjanam, W/o.Vasidevan Namboodiri.V, Vattappuzha (Mathivilasam) Illam, Chathangottupuram Post, Wandoor Via – 679 328. | } | <u>Petitioners</u>
<u>Accused</u> |
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And:-

State of Kerala: Represented by the Station House Officer, Areekode Police Station.	}	<u>Respondent</u> <u>Complainant</u>
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This petition coming on this day for hearing before me in the presence of **Sri. N M Krishnadas**, Advocate for the petitioners and of the Public Prosecutor for the respondent, the court passed the following:

ORDER

This is a petition filed u/s. 438 of Cr.P.C.

2. The petitioners are accused Nos.1 and 2 in Crime No.680/2022 of Areekode Police Station, registered u/Ss.498-A and 406 r/w.34 of IPC, who are apprehending arrest and harassment by the police in the said Crime.

3. The prosecution case is that accused No.1 married the defacto complainant on 10.2.1999 as per the customs and ceremonies prevailing in their community. While the defacto complainant was residing in the house of the accused, they ill-treated her physically and mentally. Accused No.1 misused her gold ornaments weighing 45 sovereigns and a sum of Rs.50,000/-. He demanded the defacto complainant to bring a sum of Rs.40,00,000/- from her house to repay his loan. Thus, the accused committed the above offences.

4. Heard both sides and perused the bail objection report of Sub Inspector of Police, Areekode Police Station.

5. The point for consideration is;

Whether, the petitioners/accused are entitled for pre-arrest bail, as prayed for?

6. **The Point:-** The learned counsel for the petitioners/accused submitted that the petitioners/accused are innocent of the offence alleged and they are ready to co-operate with the investigation. Petitioner No.2 is aged 79 years, who is the mother-in-law of the defacto complainant. False allegations are raised by the defacto complainant against the

petitioners/accused due to the strained marital relationship between the defacto complainant and the petitioner/accused No.1. The learned Public Prosecutor submitted that if this court inclines to grant anticipatory bail to the petitioners/accused, there may be strict conditions to assure their presence and co-operation for the purpose of completion of the investigation.

7. From the report of the Investigating Officer, it is clear that general allegations of ill-treatment are raised against the petitioners/accused by the defacto complainant. No physical injury was caused to the defacto complainant. The investigation of the offence is under progress. While analyzing the facts of the case, in the light of the dictum laid down by the Honourable Supreme Court in **Arneshkumar v. State of Bihar and Another**- reported in **2014 (3) KLT 143**, I am inclined to grant bail to the petitioners/accused Nos.1 and 2, but by imposing strict conditions, in the event of their arrest. The point answered accordingly.

In the result, the petition is allowed as follows:

1. In the event of arrest/surrendering of the petitioners/accused Nos.1 and 2, they shall be released on bail on their executing bonds for Rs.50,000/- each with two solvent sureties each for the like sum to the satisfaction of the Arresting Officer.

2. The petitioners/accused shall appear before the Investigating Officer as and when they are directed to do so in writing, till the completion of investigation of this case.

3. The petitioners/accused shall not involve in any other offence, while they are on bail.

4. The petitioners/accused shall not threaten the de facto complainant or influence the material witnesses either directly or indirectly so as to dissuade the witnesses from giving statement or evidence against them.

5. It is made clear that, in the event of violation of any of the above conditions, the Investigating Officer is at liberty to approach the jurisdictional Court, for cancellation of bail.

(Dictated to the Personal Assistant, transcribed by her, corrected by me and pronounced in open Court on this, the 22nd day of October, 2022).

Sd/-
Sessions Judge

Typed by: Seema
Compared by: 1.Seema
2.Seena

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Fair/Copy of Order in Crl.M.C.No.1101/2022
Dated : 22-10-2022
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