

IN THE COURT OF SESSION, ERNAKULAM DIVISION

Present:-

Smt. Honey M. Varghese, Sessions Judge

Monday, the 21st day of August, 2023/30th Sravana, 1945

Crl. M.C. No.2304 of 2023

(Crime No.2314/2023 of Palluruthy Police Station)

Petitioners/Accused :-

1. Harikrishnan P.R., aged 26 years, S/o.Remanan, Panthradodiyil House, Neendakara, Ezhupunna P.O., Cherthala, Alappuzha – 688 537.
2. Indira, aged 56 years, W/o. Remanan, Panthradodiyil House, Neendakara, Ezhupunna P.O., Cherthala, Alappuzha – 688 537.

By Advs. P. Anuroop & V.K. Sreena

Respondents/Counter Petitioners :-

1. State of Kerala represented by Chief Secretary through the Public Prosecutor, Sessions Court, Ernakulam.
2. The Sub Inspector of Police, Palluruthy Police Station.

By Public Prosecutor Sri. Manoj G.Krishnan

This petition filed u/s.438 of Cr.P.C., praying this Court to grant anticipatory bail to the petitioners.

This petition coming on for hearing on 19.08.2023 and the court on 21.08.2023, passed the following:-

O R D E R

This petition is filed u/s 438 of Cr.PC for anticipatory bail.

2. The petitioners herein are the accused in crime no.2314/2023 of Palluruthy Police Station registered for the offence punishable u/s.498(A) of the IPC.

3. The case of the prosecution is that after the marriage between the 1st accused and the defacto complainant on 26.02.2019, the 1st accused along with his mother, second accused, subjected the defacto complainant to cruelty, both physically and mentally demanding more dowry, thereby the aforesaid offence.

4. The learned counsel for the petitioners submitted that the allegations raised against the petitioners are baseless. He further submitted that after marriage the defacto complainant wanted to go abroad, for which the second accused gave her gold ornaments. Later when she demanded back the gold ornaments, the defacto complainant left the matrimonial home and filed this false complaint. It is submitted that custodial interrogation of the petitioners is not at all required. They are ready to abide by any conditions that may be imposed by this court.

5. The learned Public Prosecutor objected the petition. It is submitted that the defacto complainant was subjected to cruelty, both mentally and physically, by the petitioners and if bail is granted, there is chance to influence or intimidate the witnesses and tamper with the evidence. Hence prayed to dismiss the petition.

6. Heard both sides and perused the records.

7. The case of the prosecution is that after the marriage between the first petitioner and the defacto complainant, she was subjected to cruelty by the petitioners herein, both physically and mentally, demanding more dowry.

8. The case was registered on the basis of the complaint filed by the defacto complainant alleging that she was subjected to physical and mental torture by the petitioners herein demanding more dowry. No records are produced to show the allegations raised against the petitioners that they subjected the defacto complainant to physical cruelty. The apprehension raised by the investigating officer in the report that if bail is granted, there may be chance to influence or

intimidate the witnesses and tamper with the evidence can be addressed by imposing conditions. Considering the nature of allegations I feel that custodial interrogation of the petitioners is not required in this case. If the petitioners are put behind bars, that may affect the chance of settlement, if any, between the parties. In these circumstances, I hold that pre-arrest bail can be granted to the petitioners.

In the result, the application is allowed on the following conditions:

1. The petitioners shall be released on bail in the event of their arrest in connection with the above crime on executing bond for Rs. 50,000/- each with two solvent sureties each for the like sum to the satisfaction of the Arresting Officer/Investigating Officer as the case may be.
2. The petitioners shall appear before the investigating officer for the purpose of interrogation as and when required by him, till the final report is filed.
3. The petitioners shall not intimidate or influence the witnesses or interfere with the investigation.

Dictated to the confidential Asst. transcribed and typed by her, corrected and pronounced by me in open court on this the 21st day of August 2023.

Sd/-

Honey M.Varghese
Sessions Judge

bk/
comp. By:

Crl. M.C. No.2304 of 2023
Order dated 21.08.2023