

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.ANIL KUMAR

FRIDAY, THE 27TH DAY OF DECEMBER 2019 / 6TH POUSHA, 1941

Bail Appl..No.9283 OF 2019

PETITIONER/ACCUSED:

SUNIL KUMAR,
AGED 46 YEARS, S/O.MADHAVAN,
KOLLAYIL KIZHAKKETHIL,
KUNNATHOOR WEST, MANAMPUZHA P.O.,
KOLLAM DISTRICT - 691 553.

BY ADVS.

SMT.M.R.JAYALATHA
SRI.R.RENJITH

RESPONDENTS/COMPLAINANT/STATE:

- 1 STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
- 2 SUB INSPECTOR OF POLICE,
SASTHAMKOTTA POLICE STATION,
SASTHAMKOTTA P.O., KOLLAM.
- 3 DISTRICT POLICE CHIEF (RURAL), KOLLAM
CIVIL STATION, KOTARAKARA P.O.,
KOLLAM DISTRICT.

BY ADV.

SR.PP.C.N.PRABHAKARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
27.12.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 27th day of December 2019

This is an application for anticipatory bail filed under Section 438 of Cr.P.C.

2. The petitioner is the accused in Crime No.2227 of 2019 of the Sasthamkotta Police Station in Kollam District for the offences punishable under Section 498A of Indian Penal Code.

3. The prosecution case in brief is as hereunder:

The defacto complainant is the wife of the accused. The accused married the defacto complainant on 05.11.2018 in accordance with the custom prevailing among the community. Thereafter, the defacto complainant lived at the matrimonial home of the accused for a period of three months. The defacto complainant filed a petition before the District Police Chief, (Rural) Kollam alleging that the accused ill-treated the defacto complainant and treated her with cruelty.

4. Heard the learned counsel for the petitioner and Sri.C.N.Prabhakaran, the learned Public Prosecutor. Perused the case diary.

5. The petitioner accused filed O.P.No.982 of 2019 before

the Family Court, Chavara against the defacto complainant seeking recovery of gold ornaments alleged to have been entrusted to her as per Annexure-B complaint. Going by the case diary, it appears that the parties are at loggerheads in connection with a matrimonial dispute. Annexure-B Original Petition is pending before the Family Court, Chavara between the same parties. Considering the fact that the dispute involved is purely a matrimonial, it is just and proper to grant anticipatory bail to the petitioner on the following conditions:-

- 1) The petitioner shall be released on bail in the event of his arrest by the police in Crime No.2227 of 2019 of the Sasthamkotta Police Station, Kollam District on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like amount to the satisfaction of the arresting officer.
- 2) The petitioner shall appear before the Investigating Officer as and when directed by him in writing to do so.
- 3) The petitioner shall not in any manner intimidate or influence the prosecution witnesses.
- 4) If the petitioner violates any of the above conditions of bail, it is open to the Court having

jurisdiction over the case to cancel his bail without any further orders from this Court but in accordance with law.

Sd/-
N.ANIL KUMAR
JUDGE

SCS