

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

THURSDAY, THE 20<sup>TH</sup> DAY OF OCTOBER 2022 / 28TH ASWINA, 1944

BAIL APPL. NO. 7738 OF 2022

CRIME NO.394/2022 OF Erumapetty Police Station, Thrissur

PETITIONER/S:

XXXXXXXXXXXX

XXXXXXXXXXXX XXXXXXXXXXXX

BY ADV GEORGE RENNY

RESPONDENT/S:

STATE OF KERALA

REP. BY PUBLIC PROSECUTOR,

HIGH COURT OF KERALA, ERNAKULAM., PIN - 682031

SRI.NOUSHAD K.A. PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
20.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**BECHU KURIAN THOMAS, J.**

-----  
**B.A.NO. 7738 of 2022**  
-----

**Dated this the 20<sup>th</sup> day of October, 2022**

**ORDER**

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

2. Petitioner is the accused in Crime No.394 of 2022 of Erumapetty Police Station, Thrissur District, alleging offences punishable under Sections 307, 326, 403, 406, 420, 294(b), 506 of the Indian Penal Code, 1860 apart from Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 66E of the Information Technology Act, 2000. The learned Public Prosecutor submitted that during the course of investigation, offences under Sections 307, 326 and Section 66 E of the IT Act have been deleted.

3. The prosecution case is that the accused who is the husband of the defacto complainant, cheated and tried to kill her by hitting with a car and shared obscene photos of the defacto complainant through social media and thereby committed the offences alleged.

4. Sri.George Renoy, the learned counsel for the petitioner contended that the prosecution allegations are false and that incident as alleged had not occurred.

5. Sri. Noushad K.A, the learned Public Prosecutor opposed the grant of anticipatory bail and submitted that the allegations are serious in nature, requiring custodial interrogation.

6. On a consideration of the circumstances arising in the case, though I am of the view that the allegations are serious in nature, custodial interrogation of the petitioner is not required. In view of the above, the petitioner is entitled to be released on pre-arrest bail.

Accordingly, this application is allowed on the following conditions:

*(I) In the event of arrest of the petitioner in Crime No.394 of 2022 of Erumapetty Police Station, shall be released on bail on him executing a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum before the Investigating Officer.*

*(ii)Petitioner shall appear before the Investigating Officer for interrogation if as and when required and shall co-operate with the investigation.*

*(iii) Petitioner shall not destroy or tamper with the evidence or intimidate or threaten or contact the defacto complainant or her family members.*

*(iv) Petitioner shall not commit any other similar offences while he is on bail.*

*(v) Petitioner shall not leave India without the permission of the Court having jurisdiction.*

In case of violation of any of the above conditions, the jurisdictional Magistrate is empowered to cancel the bail in accordance with the law.

**BECHU KURIAN THOMAS  
JUDGE**

AJM/21/10/22