

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 9TH DAY OF DECEMBER 2022 / 18TH AGRAHAYANA, 1944

BAIL APPL. NO. 9653 OF 2022

Crime No.851/2022 of Manarkad Police Station

PETITIONER/ACCUSED:

SAVAD T.S
AGED 33 YEARS
SON OF SULAIMANKUTTY, THURUTH P.O, ALUVA, ERNAKULAM,
PIN - 683101
BY ADVS.
P.M.ZIRAJ
IRFAN ZIRAJ

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR, HONOURABLE HIGH
COURT OF KERALA AT ERNAKULAM, PIN - 682031
- 2 THE INSPECTOR OF POLICE
MANARKAD POLICE STATION, KOTTAYAM DISTRICT, PIN -
686019

OTHER PRESENT:

PP -SRI.NOUSHAD K.A

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
09.12.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A.NO. 9653 of 2022

Dated this the 9th day of December, 2022

ORDER

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

2. Petitioner is the sole accused in in Crime No.851/2022 of Manarkad Police Station, Kottayam District alleging offence under Section 406 and 498A of the Indian Penal Code, 1860 apart from Section 66C of the Information Technology Act.

3. The prosecution case is that the accused, who is the husband, of the defacto complainant, harassed her mentally and physically in pursuance of his demand for dowry and hence, committed the offence.

4. The learned counsel appearing for the petitioner would submit that the petitioner is absolutely innocent in the matter and that he is falsely implicated in the crime for justifying a matrimonial dispute.

5. I have heard the learned Public Prosecutor also.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations against the petitioner, I

am of the opinion that the petitioner can be granted anticipatory bail subject to conditions.

7. In the result, this application is allowed. It is directed that the petitioner shall be released on anticipatory bail, in the event of arrest in Crime No.851/2022 of Manarkad Police Station, subject to the following conditions:-

(i) Petitioner shall appear before the Investigating Officer on 15-12-2022 and shall subject himself to interrogation.

(ii) If after interrogation, the Investigating Officer proposes to arrest the petitioner, then, he shall be released on bail on him executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum before the Investigating Officer.

(iii) Petitioner shall appear before the Investigating Officer as and when required and shall also co-operate with the investigation.

(iv) Petitioner shall not intimidate or attempt to influence the witnesses; nor shall he tamper with the evidence or contact the victim or her family members.

(v) Petitioner shall not commit any similar offences while he is on bail.

(vi) 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 Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with the law, notwithstanding the bail having been granted by this Court.

**BECHU KURIAN THOMAS,
JUDGE**

AJM/12/12/22