

Kerala High Court

K.I. Pareed vs State Of Kerala on 5 June, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Bail Appl..No. 2932 of 2009()

1. K.I. PAREED, AGED 67 YEARS,
... Petitioner
2. KUNJU BEEVI PAREED, AGED 60 YEARS,
3. K.P. SHAJITHA, AGED 40 YEARS,
4. K.K. ANSAR, AGED 43 YEARS,
5. K.P. SHANAVAS, AGED 38 YEARS,
6. ANEEZA SHANAVAS, AGED 35 YEARS,

Vs

1. STATE OF KERALA,
... Respondent

For Petitioner :SRI.P.K.IBRAHIM

For Respondent :PUBLIC PROSECUTOR

The Hon'ble MR. Justice K.T.SANKARAN

Dated :05/06/2009

O R D E R

K.T.SANKARAN, J.

B.A.No. 2932 of 2009

Dated this the 5th June, 2009

O R D E R

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure. The petitioners are accused 2 to 7 in Crime No.755/09 of Kalamassery Police Station.

2. The offences alleged against the petitioners are under Sections 409, 498A and 34 of the Indian Penal Code and Sections 2 and 4 of the Dowry Prohibition Act.

3. The marriage between the de facto complainant and the first accused took place on 4.9.2005. I have perused a copy of the complaint which was made available to me by the learned counsel appearing for the de facto complainant. There are allegations of demand for dowry in the years 2005 and 2006. According to the petitioners, the first accused (husband) and the de facto complainant are residing separately since 2007. The first accused is employed abroad. There is no case for anybody that the de facto complainant was residing with the petitioners at any time after 2007. The first petitioner is the father-in-law, second petitioner is the mother-in-law, third petitioner is the sister-in-law and the fourth petitioner is the husband of the sister-in-law of the de facto complainant. Fifth petitioner is the brother-in-law of the de facto complainant and 6th petitioner is the wife of the 5th petitioner. The husband (first accused) is still employed abroad. He has pronounced Thalaq and it was intimated the de facto complainant.

4. The learned counsel for the petitioners submitted that the petitioners apprehend arrest and humiliation and harassment. He pointed out that the father of the de facto complainant is a retired Colonel and the complaint was filed before the Assistant Commissioner of Police, Kochi, which was forwarded to the Kalamassery Police Station and the crime was registered.

5. The learned counsel appearing for the de facto complainant submitted that there are lot of contradictions in the statement of facts in the bail application and the statements in the letter intimating Thalaq and the two stories will not stand together. I do not think that it is necessary to consider the disputed questions of facts for the purpose of deciding this application for anticipatory bail.

6. Taking into account the facts and circumstances of the case, the nature of the offences and other circumstances, I am of the view that anticipatory bail can be granted to the petitioners. There will be a direction that in the event of the arrest of the petitioners, the officer in charge of the police station shall release them on bail for a period of one month on their executing bond for Rs.50,000/- each with two solvent sureties for the like amount to the satisfaction of the officer concerned, subject to the following conditions:

A) Petitioner No.5 shall report before the investigating officer between 9 AM and 11 AM on all Mondays, till the final report is filed or until further orders; B) The petitioners shall appear before the investigating officer for interrogation as and when required;

C) The petitioners shall not try to influence the prosecution witnesses or tamper with the evidence;

D) The petitioners shall not commit any offence or indulge in any prejudicial activity while on bail.

E) On the expiry of the period mentioned above, the petitioners shall surrender before the Magistrate concerned and seek regular bail.

F) In case of breach of any of the conditions mentioned above, the bail shall be liable to be cancelled.

The Bail Application is allowed as above.

K.T.SANKARAN, JUDGE vgs.