

# Valsaraj P.V vs State Of Kerala on 9 May, 2017

**Author: V Raja Vijayaraghavan**

**Bench: V Raja Vijayaraghavan**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 9TH DAY OF MAY 2017/19TH VAISAKHA, 1939

Bail Appl..No. 3058 of 2017 ( )  
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CRIME NO. 291/2017 OF CHANDERA POLICE STATION, KASARGOD

PETITIONER(S)/ACCUSED:  
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VALSARAJ P.V.,  
AGED 44 YEARS, S/O.KRISHNAN NAIR, SREEVALSAM,  
NEAR V.B.TEMPLE, CHERUVATHUR P.O.,KASARAGOD DISTRICT

BY ADV. SRI.A.ARUNKUMAR

RESPONDENT(S)/COMPLAINANT/STATE:  
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1. STATE OF KERALA,  
REPRESENTED BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM-682031
2. THE STATION HOUSE OFFICER,  
(CRIME NO.291 OF 2017 OF CHANDERA POLICE STATION,  
KASARAGOD DISTRICT) 671315

R BY PUBLIC PROSECUTOR SRI. B. JAYASURYA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON  
09-05-2017, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SOU.

RAJA VIJAYARAGHAVAN V. , J.

B.A. No. 3058 of 2017

Dated this the 9th day of May, 2017

O R D E R

1.Apprehending arrest and detention in Crime 291/2017 of Chandera Police Station, the petitioner has approached this Court seeking pre-arrest bail.

2.The aforesaid crime has been registered alleging offence punishable under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The victim is none other than the minor son of the petitioner. The prosecution allegation is that the petitioner mentally harassed the minor son, who is ailing from cancer.

3.According to the learned counsel, there is a rift between the petitioner and his wife. Proceedings have been initiated alleging matrimonial cruelty and also invoking the provisions of the Protection of Women from Domestic Violence Act, 2005. It is also submitted that this Court had granted pre-arrest bail to the petitioner by order dated 10.4.2017 in B.A.No.2324/2017.

4.Learned Public Prosecutor on the other hand opposed the submissions and submitted that the petitioner had mentally harassed his son.

5.The Case Diary was handed over for perusal. Though it may not be possible at this point of time to say that the petitioner is totally innocent, the fact remains that there are pending disputes between the petitioner and his wife. The contention of the learned counsel that the law was set in motion when he was granted anticipatory bail cannot be ignored. The prosecution has no case that the petitioner had physically assaulted his son. It is not for this Court to probe into the veracity of the allegations or to ascertain the truthfulness of the matter at this stage.

6.Having regard to the nature and gravity of the allegations, the nearness of relationship between the parties, their relative conduct and other facts and circumstances, it is felt that this is a fit case where the extraordinary jurisdiction needs to be exercised in favour of the petitioner. Conditions can be imposed to safeguard the interest of the prosecution as well.

5. In the result, this application is allowed , but subject to the following conditions:

- i). It is directed that in the event of the arrest of the petitioner in connection with the Crime No.291/2017 of the Chandera police station, he shall be released on bail on his execution a bond for 50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer effecting the arrest.

ii)The petitioner shall appear before the Investigating Officer on all Saturdays between 9 AM and 10 AM , for 2 months or till final report is filed, whichever is earlier. He shall fully co-operate with the investigation.

iii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

iv).The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

v). If he surrenders before the Magistrate, this order shall not be applicable and the learned Magistrate may pass appropriate orders.

vi). In case of violation of any of the above conditions, the concerned court on being noticed of that fact will be empowered to cancel the bail.

RAJA VIJAYARAGHAVAN V., JUDGE ttb