

(2012) 02 KL CK 0061

In the High Court Of Kerala

Case No : Bail Application No. 1128 of 2012

Majeed A., Faizal and. Zeenath

APPELLANT

Vs

The State of Kerala

RESPONDENT

Date of Decision : 29-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 498A

Citation : (2012) 02 KL CK 0061

Hon'ble Judges : Sasidharan Nambiar, J

Bench : Single Bench

Advocate : Jawahar Jose, for the Appellant; R. Ranjith, Public Prosecutor, for the Respondent

Judgement

Justice M. Sasidharan Nambiar

1. The petitioners are the accused 1, 2 and 4 in Crime No. 31/2012 of Ambalathara Police Station registered for the offences punishable under Sections 498-A of IPC, based on a private complaint filed before the Judicial First Class Magistrate Court-I, Hosdurg. The first petitioner is the husband of the defacto complainant. The second petitioner is the brother of the first petitioner and third petitioner is the sister in law of the first petitioner. Apprehending arrest, this petition is filed under Sec. 438 of the Code of Criminal Procedure. Learned Counsel appearing for the petitioners and learned public prosecutor were heard. Considering the allegation raised in Annexure A complaint, I do not find that custodial interrogation of the petitioners is necessary. In such circumstances, petitioners are directed to report before the investigating officer for interrogation within ten days from today. Investigating Officer is permitted to interrogate them. After completing the interrogation, the petitioners shall be released on bail on executing bond for Rs. 20,000/- (Rupees Twenty Thousand Only) each with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer on the following conditions.

1. The petitioners 1 & 2 shall report before the Investigating Officer on every Saturday between 10 a.m and 12 a.m. for one month.
2. The 3rd petitioner shall report before the Investigating Officer as and when required by the Investigating Officer.
3. Petitioner shall not induce, threaten or influence any person from disclosing facts known to him to the Investigating Officer or to the Court.
4. Petitioner shall not leave India without the previous permission of the concerned Magistrate.
5. If the petitioners fail to report before the investigating officer within 10 days as directed, the investigating officer is free to arrest them.