
(2012) 02 KL CK 0063

In the High Court Of Kerala

Case No : Bail Application No. 1129 of 2012

Shiju and Saraswathy

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 29-02-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 294, 323, 498A

Citation : (2012) 02 KL CK 0063

Hon'ble Judges : Sasidharan Nambiar, J

Bench : Single Bench

Advocate : Georgekutty Mathew, for the Appellant; K.K. Rajeev, Public Prosecutor, for the Respondent

Judgement

Justice M. Sasidharan Nambiar

1. The petitioners are the accused in Crime No. 116/2012 of Idukki Police Station registered for the offences punishable under Sections 323, 294(b) and 498(A) of IPC based on a private complaint filed by the wife of the first petitioner. The second petitioner is the mother of the first petitioner. Apprehending arrest and custodial torture, 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 nature of offences alleged, I do not find that custodial interrogation of the petitioners is necessary. In such circumstances, petitioners are directed to report before the investigating officer within ten days from today. Investigating Officer is permitted to interrogate them. After completing 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 first petitioner shall report before the Investigating Officer on every Saturday between 10 and 12 a.m. for one month.

2. The second 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 the Investigating Officer or to the Court.
4. Petitioner shall not leave India without the previous permission of the concerned Magistrate.