
(2021) 04 KL CK 0111

In the High Court Of Kerala

Case No : Bail Application No. 2472 Of 2021

Umesh Narayanan And Ors

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 16-04-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 498(A)

Citation : (2021) 04 KL CK 0111

Hon'ble Judges : K. Haripal, J

Bench : Single Bench

Advocate : M.R. Sasith, Ajith Murali

Final Decision : Allowed

Judgement

1. This is an application filed under Section 438 of the Code of Criminal Procedure by the husband and the mother-in-law respectively, of the de facto complainant. They are the accused in Crime 40/2021 of Shornur police station in Palakkad district, registered alleging offence punishable under Section 498A of IPC.

2. I heard counsel on both sides.

3. The first petitioner and the de facto complainant were married on 27.05.2018 and have a child 1½ year old; the 1st petitioner has moved the Family Court, Thrissur by filing O.P.No.1647/2020, an application for divorce. Now they are living separate.

4. I heard the learned Public Prosecutor also.

5. The parties are still husband and wife. Having regard to the relationship between the parties and in the nature of the allegations, it seems that

custodial interrogation is not necessary for the case. Moreover, considering the fact that the status of the husband and wife still remains, if the

petitioners are arrested and sent for incarceration, that may worsen the relationship which has already become sore and foreclose any chance of

patching up the disputes in future.

6. On these considerations, in the event of arrest of the petitioners, they shall be released on bail, subject to the following conditions:-

i) The petitioners shall appear before the Investigating Officer within seven days from today and will make themselves available for interrogation;

ii) In the event of arrest, they shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties

each for the like sum to the satisfaction of the Investigating Officer;

iii) They shall co-operate with investigation, shall not try to contact or influence the witnesses or tamper with the evidence;

iv) They shall not involve themselves in any crime during the period on bail;

v) They shall appear before the Investigating Officer/Court as and when required;

vi) They shall strictly follow the various guidelines issued by the State and Central Governments with respect to keeping of social distancing in the

wake of Covid 19 pandemic;

vii) If any of the above conditions are violated by the petitioners, the jurisdictional court shall be at liberty to cancel the bail, in accordance with law.

The application is allowed.