

(2010) 08 KL CK 0190
High Court Of Kerala
Case No: Bail Application No. 4065 of 2010

N. Soman and Indira
Soman

APPELLANT

Vs

State of Kerala and S.I.
of Police

RESPONDENT

Date of Decision: Aug. 4, 2010

Acts Referred:

- Penal Code, 1860 (IPC) - Section 498A

Hon'ble Judges: V. Ramkumar, J

Bench: Single Bench

Advocate: Praveen K. Joy, for the Appellant; Public Prosecutor, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

V. Ramkumar, J.

Petitioners who are accused Nos. 2 and 3 in Crime No. 425/2010 of Mavelikkara Police Station for an offence punishable u/s 498A I.P.C., seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioners shall surrender before the investigating officer on 16.08.2010 or on 17.08.10 for the purpose of interrogation and recovery of incriminating material, if any. The petitioners shall thereafter appear before the Magistrate concerned and file an application for regular bail. On being convinced that the petitioners have been interrogated by the police, the Magistrate shall preferably on the same date on which the application is filed, release the petitioners on bail on each of the petitioners executing a bond for Rs. 25,000/- (Rupees twenty five thousand only)

with two solvent sureties each for the like amount to the satisfaction of the Magistrate and subject to the following conditions:

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the Investigating Officer.
3. Petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
4. Petitioners shall not commit any offence while on bail.
5. If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This petition is disposed of as above.