

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

WEDNESDAY, THE 10TH DAY OF AUGUST 2022 / 19TH SRAVANA, 1944

BAIL APPL. NO. 3608 OF 2022

CRIME NO.125/2022 OF KAKKOOR POLICE STATION, KOZHIKODE

PETITIONER/ACCUSED:

MAHANAS MOIDU
S/O. MOIDU, AGED 26 YEARS
MHR VILLA, DIVYANPARA P.O.,
PUDUKKAI, NILESHWARAM
KASARGOD DISTRICT, PIN - 671314

BY ADVS.
RAJEE P MATHEWS
AMRUTHA P S
AMRUTHA K P
VIJAY SANKAR V.H.
BINDU MOHAN

RESPONDENT/STATE:

1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

*2 SHERINA,
AGED 44 YEARS, W/O RASHID,
ARANATTIL HOUSE,
CHELANNUR P, .O,
KOZHIKODE-673616

*(ADDL. R2 IS IMPEADED AS PER ORDER DATED
25/05/2022 IN CRL.M.A.NO.1/2022 IN
BA.NO.3608/2022

B.A. No.3608/22

-:2:-

BY ADVS.

SRI.K.A.NOUSHAD, PUBLIC PROSECUTOR

ADV. RAMEEZ NOOH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
03.08.2022, THE COURT ON 10.08.2022 DELIVERED THE
FOLLOWING:

BECHU KURIAN THOMAS, J.

B.A. No. 3608 of 2022

Dated this the 10th day of August, 2022

ORDER

This is an application for anticipatory bail filed under section 438 of the Code of Criminal Procedure, 1973.

2. Petitioner apprehends arrest in Crime No.125 of 2022 of Kakoor Police Station alleging offences under sections 498A and 306 of the Indian Penal Code, 1860.

3. Petitioner's wife had committed suicide on 01.03.2022. Prosecution alleges that the petitioner had subjected his wife to cruelty prior to her death and also abetted the commission of suicide and thus committed the offences alleged.

4. Sri.Rajee P.Mathews, learned counsel for the petitioner contended that the allegations against the petitioner are baseless and that he has been falsely arrayed as an accused. According to the learned counsel, the petitioner and the deceased had a very loving marital life and that unfortunately for reasons unknown to the petitioner, she committed suicide. It was further pointed out that

there was never any occasion of cruelty or abetment for the commission of suicide, and therefore, the custodial interrogation of the petitioner is not essential. The learned Counsel submitted that, in fact, petitioner has doubts about the involvement of two persons by name Jamshed and Badushah, whose conduct gives rise to suspicion and that there was no other identifiable reason for his wife to commit suicide. It was also submitted that petitioner is ready to abide by any condition that may be imposed by this Court

5. Sri. K. A.Naushad, the learned Public Prosecutor opposed the application for bail and contended that the investigation conducted so far has revealed instances which point towards abetment of the commission of suicide and cruel treatment by the petitioner and therefore, custodial interrogation is essential.

6. Adv. Rameez Nooh appeared on behalf of the mother of the deceased and contended that her daughter was subjected to matrimonial cruelty due to which she committed suicide. It was argued that the deceased was well-known amongst the youth and there was no reason for her to commit suicide other than the cruelty inflicted by her husband.

7. I have considered the rival contentions and have also

perused the case diary.

8. Petitioner and his deceased wife were both well-known vloggers. They were residing in the United Arab Emirates. However, on 01-03-2022, petitioner's wife committed suicide inside their bedroom. She was in her early twenties. Their marriage allegedly took place on 11-02-2015. Petitioner is alleged to have abetted the commission of suicide. Petitioner denies any sort of cruelty or abetment of suicide. However, he doubts the involvement of certain other persons as the cause of the commission of suicide.

9. On the ill-fated day, the petitioner and his deceased wife were inside the bedroom, and the deceased is alleged to have hanged herself immediately after the petitioner walked out of the room. The circumstances that would have led the deceased to hang herself is a matter which could be within the knowledge of the petitioner. The circumstances surrounding the death of the petitioner's wife could be elicited only by custodial interrogation.

10. Considering the statement of witnesses, as seen from the case diary, and on an appreciation of the circumstances surrounding the case, I am of the view that this is not a fit case where pre-arrest bail could be granted. The custodial interrogation of the petitioner is

essential for eliciting the truth surrounding the death of petitioner's wife.

In the above view of the matter, I am not inclined to allow this bail application and the same is dismissed.

BECHU KURIAN THOMAS
JUDGE

vps