

[Sharon Murder Case : Kerala High Court Dismisses Bail Application Of Greeshma's Mother](#)

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**IN THE HIGH COURT OF KERALA AT ERNAKULAM
VIJU ABRAHAM, J.**

B.A. No. 9085 of 2022; 30 November, 2022

SINDHU versus STATE OF KERALA

Petitioners / Accused Nos. 2 and 3 by Advs. S. Mohammed Al Rafi, Thajuna Maria Francis

Respondent / Complainant: R2 by Advs. George Mathew, Stephy K Regi, Sunil Kumar A.G, Praveen S., Mathew K.T., George K.V., Adarsh Kurian, Gracious Kuriakose, Addl. Director General Of Prosecution (AG-11), Director General Of Prosecution (AG-10), P. Narayanan, Senior G.P.

ORDER

This is an application for regular bail.

2. Petitioners are accused Nos. 2 and 3 in Crime No.1311 of 2022 of Parassala Police Station alleging the commission of offences punishable under Sections 302, and 201 read with Section 34 of the Indian Penal Code. The 1st accused is the daughter of the 2nd accused and 3rd accused is the brother of the 2nd accused.
3. Prosecution allegation, in brief, is that the 1st accused fell in love with the deceased and later so as to get rid of the deceased, she induced him to drink Ayurvedic medicine which was mixed with herbicide and the deceased later succumbed to death while undergoing treatment at Medical College Hospital, Thiruvananthapuram.
4. The petitioners would contend that the prosecution allegation against them is that after getting information about the death of the disease, the petitioners took the herbicide bottle used for the commission of the offence by the 1st accused and threw it to the northern side of their property, later the 2nd petitioner with the aid of the 1st petitioner and the 1st accused took the said herbicide bottle from the said place, and it was concealed in a place at Ramavarman chira.
5. Petitioners submit that they are in custody from 01.11.2022. They contended that they have been falsely implicated in the above-said crime and no offence under Section 302 IPC will lie against the petitioners. Even going by the prosecution case, the petitioners got information regarding the commission of offence only after the death of the deceased. The only allegation against the petitioners is that they tried to destroy evidence. The relationship between the 1st accused and the deceased was not in the knowledge of the petitioners and they came to know about it only after the death of the deceased.
6. Learned Public Prosecutor seriously opposed the application for bail mainly contending that the investigation is only at the initial stage. Even though the petitioners have stated in the bail application that they did not even know about the relationship between the 1st accused and the deceased until his death, was found in the investigation to be not correct. The investigation so far revealed that the petitioners attempted to destroy the evidence by concealing the herbicide bottle. Further, complicity of the petitioners in the crime could be revealed only in the course of the investigation, which is only at the initial stage. The learned Public Prosecutor further submitted that if the petitioners are released on bail at this stage, there is every chance for them to destroy evidence and also to influence the witnesses.

7. The defacto complainant entered appearance through counsel and seriously opposed the application for bail mainly contending that the petitioners have an active role in the commission of the offence.

8. The investigation is only in the initial stage, and the petitioners were arrested only on 01.11.2022. Investigation so far revealed that the petitioners attempted to conceal the herbicide bottle after knowing about the death of the deceased and the said herbicide bottle was recovered based on the confession statement of the 3rd accused who is the 2nd petitioner herein. Further, role if any of the petitioners, who are the mother and uncle of the 1st accused, could be revealed only in the course of the investigation. The learned public prosecutor raised apprehensions that if the petitioners are released on bail at this stage, there is every chance for them to destroy the evidence and also to influence the witnesses. Considering the seriousness of the allegation and taking into consideration the fact that the investigation is only in the initial stage, I am not inclined to grant bail to the petitioners at this stage.

The bail application is accordingly dismissed.

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