

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 1852 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN CRMP 430/2015 of ADDL. D.C. & SESSIONS
COURT - IV, KOTTAYAM**

CRIME NO. 265/2015 OF GANDHINAGAR POLICE STATION , KOTTAYAM

PETITIONER(S)/ACCUSED:

**JOSE VARGHESE,
AGED 45 YEARS,
S/O.VARGHESE,
KALLUMPURATHU HOUSE ,THANIKKAPADY,
VADAVATHOOR P.O., KOTTAYAM- 686 010.**

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. SAREENA GEORGE P.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-05-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

STK

P.UBAID, J

Bail Appln.No.1852 of 2015

Dated this the 8th day of May, 2015

ORDER

The petitioner herein seeks pre arrest bail under Section 438 of the Code of Criminal Procedure on the apprehension of arrest in connection with Crime No.265/2015 of Gandhinagar Police Station registered under Section 420 of the Indian Penal Code.

2. This application for pre arrest bail is opposed by the learned Public Prosecutor on the ground that the custodial interrogation of the petitioner is absolutely necessary as part of investigation, and that the accused is now released, it will definitely obstruct the proper and effective investigation.

3. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in the crime is practically over, and that the petitioner can be granted pre arrest bail. On a perusal of the case diary I find that the investigating officer has already questioned the material witnesses and has recovered the necessary documents and material objects. In the particular facts and

circumstances, and in the nature of the allegations, and also the nature of the materials required for prosecution, I find that custodial interrogation of the petitioner is not necessary in this case. This is not a case where something will have to be collected for prosecution by way of custodial interrogation. I find that the police has gone a long way with investigation, and has already collected essential things for a successful prosecution. I do not find the necessity of detention of the petitioner in custody for the purpose of investigation in the above circumstances. It will suffice that the petitioner is directed to report before the investigating officer periodically. However, some other conditions are also felt necessary for bail.

4. In the result, this petition for pre arrest bail is allowed. The petitioner is ordered to be released on bail on his executing bond with two solvent sureties for ₹50,000/- (Rupees Fifty Thousand only) to the satisfaction of the arresting officer or the learned Magistrate having jurisdiction, in case of his arrest in connection with Crime No. 265/2015 of the Gandhinagar Police Station. Bail is granted on condition that

a) The petitioner shall report before the

investigating officer between 10 am. and 11 am on all Thursdays for a period of three months.

b) The petitioner shall not leave the limits of Gandhinagar Police Station.

c) The petitioner shall not in any manner influence or intimidate the material witnesses, or he shall not have any contact with the material witnesses directly or over telephone or otherwise.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE