

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

Bail Appl.No. 2033 of 2015

AGAINST THE ORDER IN CRMC 771/2015 of I ADDL.SESIONS COURT,
ERNAKULAM DATED 04-04-2015
CRIME NO. 139/2015 OF RAMAMANGALM POLICE STATION

PETITIONER/ACCUSED:

OMANA VARGHESE, AGED 45 YEARS
D/O.VARGHESE, ERULLUVETOMKUZHY VEEDU, VETTOR EAST PO
MALAYALAPPUZHA PANCHAYAT, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS/STATE & COMPLAINANT:

1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.
2. SUB INSPECTOR OF POLICE, RAMAMANGALAM STATION,
ERNAKULAM.

R BY PUBLIC PROSECUTOR SMT. SHEEBA T.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
21-04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

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B.A. No. 2033 of 2015

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Dated this the 21st day of April, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C.for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. Produced.

3. The petitioner is the accused in Crime No. 139 of 2015 of Ramamangalam Police Station. The offence alleged is under Section 380 of I.P.C. on the allegation that the petitioner has committed theft of a chain weighing 3.5 sovereigns. Learned counsel for the petitioner submits that the petitioner is totally innocent of the allegations raised against her. The relationship between the petitioner and her husband and the in-laws are strained. The petitioner has no

criminal antecedents. She is aged 45 years. He further submits that the petitioner apprehends arrest by the police at any time.

4. The Case Diary shows that the investigation of the case has progressed much. Learned Public Prosecutor submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the facts that the petitioner is a woman aged 45 years and no criminal antecedents have been reported against her, this Court is satisfied that the petitioner can be granted anticipatory bail imposing appropriate conditions. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1) The petitioner shall surrender before the Investigating Officer on or before 28-4-2015. In the event of her arrest, she shall be released on bail on her executing a bond for Rs. 10,000/- (Rupees ten thousand) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) The petitioner shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

5) The petitioner shall not commit any similar offence while on bail.

6) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

ks.

True copy

P.S. (Hr.Gr.)To Judge

