

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. 2038 of 2015 (D)

CRIME NO. 16/2015 OF KOYILANDY POLICE STATION , KOZHIKODE

PETITIONERS/ACCUSED:

1. **KAVITHA, AGED 29 YEARS
W/O. MARIYAPPAN, NEAR MARIYAMMAN KOVIL,
ALANKANOOR, MADHURAI, TAMIL NADU.**
2. **PONNATHA, AGED 32 YEARS,
W/O. KANNAN, NEAR MARIYAMMAN KOVIL,
ALANKANOOR, MADHURAI, TAMIL NADU.**

BY ADV. SMT. V.P.SATHI

RESPONDENT/STATE:

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682 031.**

BY PUBLIC PROSECUTOR SRI. N. SURESH

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

JJJ

BABU MATHEW P. JOSEPH, J.

B.A. No. 2038 of 2015

Dated this the 21st day of April, 2015

ORDER

This petition is filed under section 439 of Cr.P.C. for bail.

2. Heard the learned counsel appearing for the petitioners and the learned public prosecutor appearing for the respondent.

3. The petitioners are the accused in crime No. 16 of 2015 of Koilandy Police Station. The offence alleged is under Section 392 of the Indian Penal Code. The petitioners were arrested on 22-1-2015 and produced before the Court. They were remanded to judicial custody. They continue to be in custody. Learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. The investigation of the case is almost over. She further submits that the continued custody of the petitioners is not required for completing the investigation.

4. Learned Public Prosecutor submits that the investigation of the case was over and the final report was filed before the Court. The necessary recovery has already been

effected. In view of these facts and the period the petitioners have already spent in jail, the learned public prosecutor has not opposed this application. On considering the facts and circumstances and in the light of the specific facts weighed with the learned Public Prosecutor, this Court is satisfied that the petitioners can be granted bail imposing appropriate conditions. Therefore, the petitioners are granted bail subject to the following conditions:

- 1) The petitioners shall be released on bail on their executing bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court.
- 2) The petitioners 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 petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
- 4) The petitioners shall not commit any similar offence while on bail.

- 5) The petitioners 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

//True Copy//

P.A. to Judge