

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. 2039 of 2015 ()

CRIME NO. 1552/2014 OF PALLURUTHY POLICE STATION , ERNAKULAM

PETITIONER(S)/2ND AND 3RD ACCUSED:

- 1. KAVITHA ANIL, AGED 32 YEARS
W/O.ANIL KUMAR, PERINKITHARA HOUSE
EZHUPUNNA SOUTH P.S.KAVALA CHERTHALA.**
- 2. ARUN, S/O.BABU RAJ, THOTEKKADU, NILAMBUR, MALAPPURAM**

BY ADV. SRI.E.M.MURUGAN

RESPONDENT(S)/STATE:

- 1. STATE OF KERALA
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM**
- 2. SUB INSPECTOR OF POLICE
PALLURUTHY POLICE STATION 682 006.**

R BY PUBLIC PROSECUTOR, SMT. SHEEBA M.T.

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

das

BABU MATHEW P. JOSEPH, J.

B.A. No. 2039 of 2015

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 petitioners and the learned public prosecutor appearing for the respondents. C.D. produced.

3. The petitioners are accused 2 and 3 in crime No. 1552 of 2014 of Palluruthy Police Station. The offences alleged are under Sections 403, 408, 477A, 420, 381, 506(i) and 120B read with Section 34 of the Indian Penal Code. Learned counsel appearing for the petitioners submits that this petition, in respect of the second petitioner, is not pressed and hence prays for dismissing this petition in respect of him. In view of the submission so made by the learned counsel for the petitioner, this bail application is treated only as an application filed by the first petitioner.

4. Learned counsel for the petitioners submits that the first petitioner is innocent of the allegations raised against her. She is a lady aged 32. She is employed in the company run by the de facto complainant. She has no criminal antecedents. The investigation of the case has progressed much. Serious allegations are made against the first accused in this case. He was already released on regular bail. 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, the fact that no criminal antecedents have been reported against the petitioner and the first accused was already granted regular bail, this Court is satisfied that the petitioner can be granted anticipatory bail imposing appropriate conditions.

Therefore, the first petitioner is granted anticipatory bail subject to the following conditions:

- 1) The first petitioner shall surrender before the Investigating Officer on or before 28-04-2015 . In the event of her arrest, she shall be released on bail on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- 2) The first 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 first petitioner shall make herself available for interrogation as and when required by the Investigating Officer.
- 4) The first petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

- 5) The first petitioner shall not commit any similar offence while on bail.
- 6) The first petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application in respect of the first petitioner is allowed as above and in respect of the second petitioner is dismissed as not pressed.

Sd/-
BABU MATHEW P. JOSEPH,
JUDGE

//True Copy//

P.A. to Judge