

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937

Bail Appl..No. 2073 of 2015 ()

CRIME NO. 231/2015 OF HOSDURG POLICE STATION , KASARGOD

PETITIONER(S):

**PRASAD.K.M,
AGED 38 YEARS,
S/O BALAN, OZHINJA VALAPPU HOUSE,
OZHINJAVALLAPP P.O,
KASARGOD.**

**BY ADVS.SRI.RAHUL SASI
SMT.NEETHU PREM**

RESPONDENT(S):

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

R BY SMT.P.MAYA, PUBLIC PROSECUTOR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

DG

BABU MATHEW P. JOSEPH, J.

B.A.No. 2073 of 2015

Dated this the 24th 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 respondent.

3. The petitioner is the accused in crime No.231 of 2015 of Hosdurg Police Station. The offences alleged are under Section 379 of IPC and under Sections 20 and 21 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. The investigation of the case has progressed much. He further

submits that the petitioner apprehends arrest by the police at any time.

4. The learned Public Prosecutor, on instructions, submits that the investigation of the case is yet to be completed. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioner, this Court is satisfied that the petitioner can be granted anticipatory bail imposing appropriate conditions.

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

- 1) The petitioner shall surrender before the Investigating Officer on or before 02.05.2015. In the event of his arrest, he shall be released on bail on his 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 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 himself available for interrogation as and when required by the Investigating Officer.

4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he 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.

//TRUE COPY//

P.A TO JUDGE

DG