

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. 2075 of 2015 (D)

AGAINST THE ORDER IN CRMC 749/2015 of SESSIONS COURT,THRISSUR

DATED 07-04-2015

CRIME NO. 383/2015 OF VIYYUR POLICE STATION , TRISSUR

PETITIONER/ACCUSED:

**FRANCIS, AGED 49 YEARS
S/O. PORINCHU, MANJALI HOUSE,
KURIACHIRA DESOM, CHIYYARAM VILLAGE,
THRISSUR.**

**BY ADVS.SRI.P.VIJAYA BHANU (SR.)
SRI.VIPIN NARAYAN
SRI.P.D.BABY JOHN**

RESPONDENT/COMPLAINANT:

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

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:**

JJJ

BABU MATHEW P. JOSEPH, J.

B.A. No. 2075 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 petitioner and the learned public prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the accused in crime No. 383 of 2015 of Viyyur Police Station. The offences alleged are under Section 420 of the Indian Penal Code and under Clauses 3 and 5 of the Cement (Quality Control) Order read with Section 7(1)(a)(ii) of the Essential Commodities Act. The petitioner was arrested on 24-03-2015 and produced before the Court. He was remanded to judicial custody. He continues to be in custody. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The petitioner has no criminal antecedents. The investigation of the case has progressed much. He further submits that the continued custody of the petitioner is not required for completing the investigation.

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 period the petitioner has already spent in jail and the fact that no criminal antecedents have been reported against the petitioner, this Court is satisfied that the petitioner can be granted bail imposing appropriate conditions. Therefore, the petitioner is granted bail subject to the following conditions:

- 1) The petitioner 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 concerned Magistrate's Court.
- 2) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Mondays for a period of two months.
- 3) 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.

- 4) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
- 5) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
- 6) The petitioner shall not commit any similar offence while on bail.
- 7) 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