

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. 2141 of 2015 ()

CRIME NO. 55/2015 OF RAJAPURAM POLICE STATION , KASARGOD

PETITIONER(S):

**SHIVA KHANDAITH @ JAGGU KHANDIATH AGED 38 YEARS
S/O. MANGAL SINGH KHANDAITH, GAGARI
BASADOLI GRAMAM, NEAR GAGARI SCHOOL
NARSANDA PANCHAYATH, CHAIBASA DISTRICT, JHARKHAND,
NOW AT PULIYARKOCHI, PANATHADY VILLAGE
KASARAGOD DISTRICT.**

**BY ADVS.SRI.K.B.ARUNKUMAR
SRI.MOHAN KUMAR B**

RESPONDENT(S):

**THE STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR, RAJAPURAM POLICE STATION
KASARAGOD DISTRICT, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

R BY PUBLIC PROSECUTOR, SRI. C. RASHEED.

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

das

BABU MATHEW P. JOSEPH, J.

B.A. No. 2141 of 2015

Dated this the 24th 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.

3. The petitioner is the accused in crime No. 55 of 2015 of Rajapuram Police Station. The offence alleged is under Section 302 of IPC. He was arrested on 05-02-2015 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 investigation of the case was over and final report was filed before the Court. Now, the committal proceedings are pending before the Magistrate's Court. It is further

submitted that the continued custody of the petitioner is not required in this case.

4. Learned Public Prosecutor, on instructions, submits that final report was filed before the Court and the committal proceedings are pending. The petitioner hails from Jharkhand. Therefore, unless appropriate conditions are imposed for securing his presence for the purpose of trial, there is every chance of him fleeing from justice. Since the investigation of the case was over and final report was filed before the Court, this Court does not find any special impediment in granting bail to the petitioner imposing appropriate conditions.

5. 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.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the concerned Magistrate's Court. One of

the sureties shall be from the State of Kerala.

- 2) The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Thursdays after he is released on bail for a period of two months and thereafter on all alternate Thursdays for a further period of four 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