

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

Bail Appl..No. 2231 of 2015 ()

CRIME NO. 226/2015 OF ARIYANCODE POLICE STATION , THIRUVANANTHAPURAM

PETITIONER(S)/1ST ACCUSED :

**LIJU.M.V., AGED 33 YEARS,
S/O T.C. MANI, ROSE COTTAGE, CHEMBUR
OTTASEKHARAMANGALAM P.O.,
THIRUVANANTHAPURAM**

BY ADV. SRI.BLAZE K.JOSE

RESPONDENT(S)/COMPLAINANTS :

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR ,
HIGH COURT OF KERALA
ERNAKULAM, PIN 682 031**
- 2. SUB INSPECTOR OF POLICE,
ARIYANCODE POLICE STATION,
PIN. 695 114**

BY PUBLIC PROSECUTOR SMT. T.Y. LALIZA

**THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 24-11-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

NS

A. HARIPRASAD, J.

Bail Appl. No.2231 of 2015

Dated this the 24th day of November 2015

O R D E R

Bail application filed under Sec.438 Cr.P.C.

2. Petitioner is the 1st accused in Crime No.226 of 2015 of Ariyancode Police station registered for the offences punishable under Secs.419, 420, 465, 468 and 471 read with Sec.34 of the Indian Penal Code. Prosecution case in short is as follows.

The accused persons intended to cheat the defacto complainant (Kerala Public Service Commission) and secured a job in the post of Male Warden in the Jail department. For that, the 1st accused submitted an application and caused to submit another application in the name of one Biju. That application was submitted without the knowledge or consent of said Biju by attaching the photograph of another person. Thereafter, the 1st accused took the examination at Thrissur and the impersonator of said Biju also wrote the examination in the same hall where, the petitioner took the examination.

Later the answer scripts were swiped between the unknown accused and the petitioner. The petitioner got the employment and presently working as Male Warden in the Jail department.

3. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

4. Learned counsel for the petitioner submitted that the petitioner has no connection with this crime. The petitioner challenged the show cause notice issued by the Kerala Public Service Commission before the Kerala Administrative Tribunal and the order passed in O.A. No.1772 of 2012 is produced as Annexure1. In that order, the question of non adherence to principles of natural justice alone was considered by the Tribunal. It is also contended that pursuant to the directions in the said order, no action was taken by the Kerala Public Service Commission. Instead, they chose to file a criminal complaint.

5. Learned Public Prosecutor opposed the bail application contending that the investigation can proceed

further only on questioning the petitioner, since the identity of the person who said to have taken examination in the name of Biju has to be established.

Considering the nature of allegations, pre arrest bail is granted to the petitioner with the following conditions.

1. The petitioner shall appear before the Sub Inspector, Aryancode Police station on 30.11.2015 at 10.00 a.m. and submit himself for interrogation. If further interrogation is necessary, the petitioner shall appear before the said officer on 01.12.2015 also.

2. After completion of interrogation, the petitioner shall be released 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.

3. The petitioner shall appear before the Investigating Officer for interrogation as and when directed by him in writing and co-operate with the investigation.

4. The petitioner shall not intimidate or attempt to influence the witnesses, nor shall he tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE

/ True Copy /

NS/24/11/2015

P.A. To Judge