

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

Bail Appl..No. 2421 of 2015 ()

**CRIME NO. 434/2015 OF ERNAKULAM TOWN NORTH POLICE STATION ,
ERNAKULAM DISTRICT**

PETITIONER/ACCUSED 2:

**PRINCE.K.I., AGED 28 YEARS,
S/O.LATE IDICULA, KADATH HOUSE, CHETHAKKAL P.O.,
MANTHAMARUTHY, RANNY PATHANAMTHITTA.**

**BY ADVS.SRI.P.MARTIN JOSE
SRI.M.A.MOHAMMED SIRAJ
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT :

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

BY PUBLIC PROSECUTOR SRI.ROY THOMAS

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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P.UBAID, J.

B.A No.2421 of 2015

Dated this the 8th day of May, 2015.

O R D E R

The petitioner herein is the second accused in Crime No.434 of 2015 of the Ernakulam Town North Police Station, registered under Section 395 IPC. He seeks regular bail under Section 439 of the Code of Criminal Procedure. The application filed by him for regular bail was dismissed by the learned Sessions Judge, on 24.4.2015. The petitioner has been in judicial custody since 24.3.2015.

2. This application for regular bail is opposed by the learned Public Prosecutor on the ground that investigation is still in progress, and that if the accused is now released, it will definitely obstruct the investigation.

3. On hearing both sides, and on a perusal of the materials including the case diary I find that investigation in this case is practically over, and that the petitioner can be now released on appropriate conditions. On a perusal of the case diary, I find that the investigating officer has already questioned the material witnesses and has recovered the

material properties. However, the petitioner will have to be directed to report before the investigating officer till investigation is over, to ensure that the remaining part of investigation is not in any manner obstructed. I find that the police has already collected the necessary materials as part of investigation, and I do not find the necessity of continued detention of the petitioner in custody.

4. It is submitted that the accused Nos. 1 and 4 have already been granted bail by this Court. The person who actually made the criminal design is the fifth accused. If so he cannot be given benefit of this order in any manner. In view of the fact that this Court has granted bail to two of the accused I find that this petitioner also can be granted bail on appropriate conditions.

In the result, this application for bail is allowed. The petitioner will be released on bail on his executing bond with two solvent sureties for ₹ 25,000/- (Rupees twenty five thousand) to the satisfaction of the learned Judicial First Class Magistrate. Bail is granted on condition that;

- a) The petitioner shall report before the investigating officer between 10 am. and 11 am on all Thursdays for a period of two months.
- b) The petitioner shall not enter the jurisdictional

limits of the Ernakulam Town North Police Station for two months.

c) The petitioner shall not in any manner influence or intimidate the material witnesses, and he shall not have any contact with the material witnesses directly or over telephone or otherwise.

d) The petitioner will make a security deposit of ₹ 25,000/- (Rupees twenty five thousand) in the court below as a further condition for bail. The amount of security deposit will be released on conclusion of trial. It will be subject to forfeiture in case of absence during trial without sufficient reason.

e). The other accused who is yet to be arrested and interrogated in custody, will not in manner get the benefit of this order.

Sd/-

P.UBAID,
JUDGE