

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937

Bail Appl..No. 2525 of 2015 ()

CRIME NO. NOT KNOWN OF ADOOR POLICE STATION, PATHANAMTHITTA DISTRICT

PETITIONER/ACCUSED:

**PRABHAKUMAR, AGED 42 YEARS,
S/O.GOVINDA PILLAI, PYNAGATHAZHIKATHU VEEDU,
CHATHAKULAM POST, PORUVAZHY VILLAGE,
KUNNATHUR TALUK,KOLLAM.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS/COMPLAINANTS /STATE:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,PIN- 682 031**
- 2. THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION,
PATHANAMTHITTA DISTRICT -689 645**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

B.SUDHEENDRA KUMAR, J.

.....
B.A.No.2525 of 2015 (A)
.....

Dated this the 26th day of June, 2015

ORDER

The petitioner is the sole accused in Crime No.438 of 2015 of Adoor Police Station, Pathanamthitta District. The offence alleged is the offence under Section 306 of the Indian Penal Code.

2. The prosecution allegation can be briefly stated thus:-
The petitioner was a contractor. An amount of Rs.1,14,000/- was due to the deceased from the petitioner. Out of the above said amount, Rs.1,00,000/- was the amount borrowed by the petitioner from the deceased. The remaining amount was the amount to be paid to the deceased as the wages of the deceased for the period when the deceased worked as the employee of the petitioner. It is alleged that since the petitioner did not pay the above said amount, the deceased committed suicide on 29.03.2015 by hanging.

3. The petitioner has filed this application under section 438 of the Code of Criminal Procedure.

4. Heard.

5. The learned Public Prosecutor has no serious objection in allowing this application. Considering the facts and circumstances of the case, including the nature of allegations levelled against the petitioner, I am of the view that this is not a case where the custodial interrogation of the petitioner is necessary for the progress of investigation of the case. In the said circumstances, an order under Section 438 Cr.P.C. in favour of the petitioner will be justified in this case.

6. In the result, this application stands allowed and it is directed that the petitioner shall be released on bail in the event of his arrest in connection with Crime No.438 of 2015 of Adoor Police Station, Pathanamthitta District on condition of the petitioner executing a bond for Rs.30,000/- (Rupees Thirty thousand only) with two solvent sureties, each for the like sum to the satisfaction of the 2nd respondent before whom the petitioner shall surrender within ten days from today and subject to the following conditions:

1. The petitioner shall report before the

Investigating Officer on every Monday between 9 a.m. and 11 a.m. for three months and thereafter, as and when required by the Investigating Officer for interrogation.

2. The petitioner shall not intimidate or influence the witnesses or in any way tamper with the investigation.

3. The petitioner shall not get involved in any offence while on bail.

Sd/-
B.SUDHEENDRA KUMAR,
JUDGE

AMV/27/06/

/TRUE COPY/

P.A.TO JUDGE