

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 3210 of 2015 ()

CRIME NO. 146/2015 OF KANNUR POLICE STATION, KANNUR DISTRICT

PETITIONER(S)/ACCUSED:-:

**NANDANA BOOPESH, AGED 26 YEARS,
W/O.BOOSEPH, BABITHA NIVAS, KOTTALI,
KANNUR TALUK AND DISTRICT.**

**BY ADVS.SRI.T.B.SHAJIMON
SMT.GOVINDU P.RENUKADEVI**

RESPONDENT(S)/COMPLAINANT:-:

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

BY PUBLIC PROSECUTOR SRI.JUSTINE JACOB

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22-06-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

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RAJA VIJAYARAGHAVAN V, J.

B.A.No.3210 of 2015

Dated this the 22nd day of June, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure by the accused in Crime No.146/2015 of Kannur Police Station. The said crime was registered under Sections 454, 380 and 461 of the Indian Penal Code.

2. The crux of the allegation against the petitioner is that, on 21.01.2015 between 10.00 hrs and 14.30 hrs, the petitioner trespassed into the residential home of the de facto complainant, who is a painter, and committed theft of seven sovereigns of gold ornaments having a value of Rs.1,40,000/- kept inside the safe in the bedroom of the house and has thus committed the above offence.

3. I have heard the learned counsel for the petitioner as well as the learned Public Prosecutor and perused the case diary.

4. The learned counsel for the petitioner submitted that the de facto complainant is her neighbour and the registration of the crime is actuated by mala fides. According to the learned

counsel, the petitioner had a grievance against the de facto complainant, as he had misbehaved with her and certain complaints were filed before the authorities. It is aggrieved by the same that the false complaint was submitted and a crime was got registered as against her.

5. The learned Public Prosecutor has opposed the application and has submitted that, though no crime has been registered as against the petitioner, several complaints have been received against her.

6. I take note of the fact that the petitioner is a lady aged 26 years and is the mother of a child. Admittedly, there are no criminal antecedents as against the petitioner herein and it is felt that incarceration of the petitioner and detention may result in hardship.

7. But in view of the allegations of theft, I am of the view that a blanket order of anticipatory bail cannot be granted in a case of this nature, since the investigating officer has not had the advantage of interrogating the petitioner.

8. Accordingly, the petitioner is directed to surrender before the investigating officer on 3/7/2015 and on 4/7/2015 for the purpose

of interrogation and recovery of incriminating material, if any. In case the petitioner is arrested by the Investigating Officer before interrogation, the petitioner shall thereafter be produced before the Magistrate or the Court concerned and permitted to file an application for regular bail. In case the interrogation of the petitioner is without arresting her, the petitioner shall thereafter appear before the Magistrate or the Court concerned on the same day or on the next day and apply for regular bail. The Magistrate or the Court on being satisfied that the petitioner has been interrogated by the police shall, after hearing the prosecution as well, release the petitioner on bail.

9. The release of the petitioner shall be on the petitioner executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two solvent sureties each for the like amount to the satisfaction of the Court concerned and subject to the following conditions:-

i. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays thereafter till the filing of the final report.

ii. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted with the facts of the case so as to dissuade him or her from disclosing any information to the Court or to the police or to any other person in authority.

iii. The petitioner shall make herself available for

interrogation as and when required by the police at any time till the filing of the final report.

iv. The petitioner shall not establish any contact with any of the witnesses or accused in the case.

v. The petitioner shall not influence or intimidate the prosecution witnesses or the victims nor shall he attempt to tamper with the evidence for the prosecution.

vi. The petitioner shall not commit any offence while on bail.

vii. The petitioner shall notify to the Court his place of residence before executing the bail bond.

viii. If the petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

This petition is disposed of as above.

Sd/-

RAJA VIJAYARAGHAVAN V, JUDGE.

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[True copy]

P.A to Judge