

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

Bail Appl..No. 3580 of 2015

CRIME NO.357/2015 OF MANANTHAVADY POLICE STATION

PETITIONER(S)/1ST ACCUSED :

**KIRAN JOHNSON PERERA, AGED 33 YEARS,
S/O.PEETER PERERA, NESTLE GARDEN, MERLAPADAV,
MANGALAPURAM.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S)/COMPLAINANTS/STATE :

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. THE SUB INSPECTOR,
MANANTHAVADY POLICE STATION, KASARAGODU DISTRICT.**

BY PUBLIC PROSECUTOR SRI.C.RASHEDD

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 01-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

K. HARILAL, J.

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B.A.No. 3580 of 2015

Dated this the 1st day of July, 2015

ORDER

This is an application for regular bail filed under Section 439 of the Code of Criminal Procedure.

2. The petitioner is the 1st accused in Crime No.357 of 2015 of Mananthavady Police Station, registered for the offences punishable under Sections 420, 465, 468 and 397 read with Section 34 of the Indian Penal Code.

3. The fact led to the registration of the crime is that on 23.04.2015, the petitioner lodged a petition before the Mananthavady Police Station alleging that the lorry bearing registration No. KA-21 B 1341 belongs to his sister-in-law, Mrs Dulcine Jockin Fonsea has been stolen somebody when parked near Kaniyaram Petrol Bunk. In the course of investigation, it is revealed that the theft of the lorry is a story concocted the accused with other accused in the crime with a view to grab the money from Insurance Company. It is alleged that the petitioner has committed tampering in respect of the chassis and Registration number of the lorry. Further, they fabricated a fake registration in the name of the first accused.

Alleging as above, prosecution would contend that the petitioners are liable for the offences punishable under Section 420, 465, 468 and 471 read with Section 34 of the Indian Penal Code. He was arrested on 06.05.2015.

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

5. The learned counsel for the petitioner submits that he is innocent of the allegations levelled against him and he is falsely implicated in the crime without proper investigation. Now the investigation is practically over. So, a continued detention is not necessary for further investigation. He is ready to abide any conditions which may be imposed by this Court.

6. The learned Public Prosecutor on instructions submits that crime registered for the offences referred above and the petitioner was arrested on 06.05.2015. If he is released on bail, he may tamper with evidence and influence the witnesses acquainted with the facts and circumstances of the case.

7. Having regard to the present stage of the investigation, I find that bail can be granted on stringent conditions.

Hence, this application will stand allowed on following conditions.

- i. *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 Judicial First Class Magistrate's Court concerned.*
- ii. *The petitioner shall report before the investigating officer as and when required.*
- iii. *The petitioner shall surrender his passport before the lower court concerned or if he does not have one, he shall file an affidavit to that effect within five days of his release.*
- iv. *He shall not involve in any similar offences during the course of trial.*
- v. *He shall not tamper or attempt to tamper with the evidence or influence or try to influence the witnesses.*

If the petitioner violates any of the above conditions, this bail will stand cancelled automatically, and in that event the court below on satisfaction of the facts, will be at liberty to proceed against the petitioner, in accordance with law.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge