

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.HARILAL**

**THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937**

**Bail Appl..No. 3766 of 2015**  
-----

**CRIME NO. 255/2015 OF HARBOUR POLICE STATION, WILLINGTON ISLAND,  
ERNAKULAM**  
-----

**PETITIONER(S)/ACCUSED :**  
-----

**SATYA NARAYANA MISHRA, AGED 45 YEARS,  
S/O.A.K.MISHRA, AMLAPADA, ANGUL,  
ORRISA, PIN-759 122.**

**BY ADV. SRI.THOMAS M.JACOB**

**RESPONDENT(S)/COMPLAINANT :**  
-----

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

**BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 02-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

K.HARILAL, J.

-----  
B.A. No.3766 of 2015  
-----

Dated this the 2<sup>nd</sup> day of July, 2015.

O R D E R

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

2. The petitioner is the accused in Crime No.255/2015 of Harbour Police Station, Wellington Island registered for the commission of the alleged offences under Sections 406, 420, 465, 468, 471 and 472 of the Indian Penal Code and Section 66 of the Information Technology Act. The case of the prosecution is that the petitioner made the de facto complainant to believe that he is the Operation Manager of Enterprise Company, Italy and obtained an amount of Rs.1,50,000/- from the de facto complainant promising that he would arrange job of Seaman in the ship to him and that the petitioner forged the seal of Emigration Officer, Port and put the same in the passport of the de facto complainant and Seaman Book

and that the petitioner did not secure the job to the de facto complainant as promised and also did not repay the money to the complainant. The petitioner was arrested on 18.5.2015.

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

4. The learned counsel for the petitioner submits that the petitioner is innocent of the allegations levelled against him and he has been falsely implicated in the offence, without proper investigation. He further submits that the petitioner's son, who is aged 18 years, is having Cerebral Palsy and he is unable to cope up without petitioner's presence. It is only the petitioner who can control and take care of his son. The petitioner's absence for so many days has aggravated his situation and he is getting fits repeatedly for the last several days. It is also submitted that now the investigation is practically over and continued detention of the petitioner is not necessary. The petitioner is ready to co-operate with the investigation and also to abide by any conditions

which may be imposed by this Court.

5. The learned Public Prosecutor, on instruction, submits that the petitioner is the accused in the crime stated above for the commission of the aforesaid offences. He was arrested on 18.5.2015. The learned Public Prosecutor expressed his apprehension that if the petitioner is released on bail, he may flee away from the process of law and tamper with the evidence and influence the witnesses acquainted with the facts and circumstances of the case. It is also submitted that the investigation is almost complete and the final report can be filed immediately.

6. Having regard to the fact that the investigation is almost over and continued custody of the petitioner is not necessary for further investigation and also considering the factum of chronic disease of his son as highlighted by the learned counsel, I find that the petitioner can be released on bail on stringent conditions so as to ensure his presence during the course of trial. The application is accordingly allowed and the petitioner

is granted bail as follows:

- i. The petitioner shall be released on bail on his executing a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the Judicial First Class Magistrate-I, Kochi.
- ii. The petitioner shall produce his original passport before the learned Magistrate. If he is not having any valid passport, he should file an affidavit to that effect before the learned Magistrate.
- iii. The petitioner shall appear before the investigating officer on every Monday and Friday between 10 A.M. and 11 A.M. for a period of three months and as and when required.
- iv. The petitioner shall not tamper or attempt to tamper with the evidence and influence or try to influence the witnesses acquainted with the facts and circumstances of this case.
- v. The petitioner shall not involve in similar offences during the course of trial.
- vi. If any of the conditions is violated, the bail

granted shall stand cancelled and the learned Magistrate concerned, on being satisfied of the said fact, may take such proceedings as are available to him in law.

Sd/-  
K. HARILAL, JUDGE

okb.