

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

**PRESENT:**

**THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW**

**FRIDAY, THE 17TH DAY OF JULY 2015/26TH ASHADHA, 1937**

**Bail Appl..No. 4072 of 2015**  
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**CRIME NO. 839/2015 OF KAYAMKULAM POLICE STATION , ALAPPUZHA DISTRICT**  
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**PETITIONER(S)/ACCUSED :**  
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**JAIBY KURIAKOSE, AGED 40 YEARS,  
S/O.A.P.KURIAKOSE, ATHIRAMPUZHA HOUSE,  
KURUPPAMPADY P.O., ERNAKULAM DISTRICT - 683 545.**

**BY ADV. SRI.JESWIN P.VARGHESE**

**RESPONDENT(S)/COMPLAINANT :**  
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**STATE OF KERALA,  
REPRESENTED BY THE SUB INSPECTOR OF POLICE,  
KAYAMKULAM POLICE STATION, ALAPPUZHA DISTRICT,  
BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

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

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 17-07-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

Msd.

**K.ABRAHAM MATHEW, J**

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**B.A.NO.4072 OF 2015**  
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**Dated this the 17<sup>th</sup> day of July, 2015**

**O R D E R**  
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Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 406, 420 and 506 of Indian Penal Code.

3. The prosecution case is that the first informant is the registered owner of a vehicle. He entrusted the vehicle to the petitioner for his business purpose. The vehicle had been hypothicated to the financier. The petitioner had undertaken to pay the monthly installments. He did not remit the installments. Now the car is not available.

4. Heard.

5. Though in the First Information Statement there is a mention about an agreement, there is no document to prove it. As pointed out by the learned counsel the probability of the financier seizing the vehicle cannot be ruled out. In these circumstances, I am inclined to grant the prayer of the petitioner for anticipatory bail.

In the result, this application is allowed.

1. The petitioner shall be released on bail after interrogation on his executing a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum if he is arrested by the police in connection with this case.

2. He shall appear before the investigating officer for interrogation if he is so required by him in writing.

3. He shall not get himself involved in any other criminal case while he is on bail.

4. He shall not intimidate or attempt to influence the witnesses.

5. He shall not destroy or tamper with the evidence.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law.

If the petitioner surrenders before the Magistrate this order is not applicable and the learned Magistrate may pass appropriate orders.

**K. ABRAHAM MATHEW**

**JUDGE**