

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

Bail Appl..No. 4135 of 2015

CRIME NO. 554/2015 OF NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT.
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PETITIONER/2ND ACCUSED:

**T.T.VINODAN, S/O.GOPALAN NAIR,
AGED 50 YEARS, THEKKPARAMBIL,
KADIYAGAD P.O., PERAMBRA,
KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SRI.H.PRAVEEN (KOTTARAKARA)**

RESPONDENT(S)/RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.**
- 2. THE COMMISSIONER,
MALABAR DEVASWOM BOARD,
HOUSEFED COMPLEX, ERANJIPALAM,
KOZHIKODE DISTRICT-673 006.**

BY PUBLIC PROSECUTOR SRI.V.S.SREEJITH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.4135 of 2015

Dated this the 21th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is said to have committed the offence under Section 409 of Indian Penal Code.

3. He was the executive officer of Sree Udayakurumba Bhagavathi Temple, Kozhikode. It is alleged that he misappropriated the gold and silver ornaments of the temple which had been kept in a locker.

4. Heard.

5. The petitioner demitted the office on 06.08.2012. The offence came to light in 2015. The learned counsel submits that when he handed over charge to the successor a inventory had been prepared and the gold ornaments which are said to have been misappropriated find a place in the inventory. The inventory discloses that he had handed over the ornaments to the successor. It is true that it is yet to be ascertained

whether they are genuine or not. But as of now there is no strong evidence to prove that he is involved in the commission of the offence. So I am inclined to grant his prayer 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.

If the investigation reveals that the petitioner is involved in the commission of the offence the investigating officer may file an application before the learned Magistrate for cancellation of bail.

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.

sd/-
K. ABRAHAM MATHEW
JUDGE

R.AV

//True Copy//

PA to Judge