

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

Bail Appl..No. 4345 of 2015 ()

**CRIME NO. 797/2015 OF KADAVANTHRA POLICE STATION,
ERNAKULAM DISTRICT**

PETITIONER/ACCUSED NO.1:-:

**ABEY MATHEW, AGED 37 YEARS,
S/O.KOSHY MATHEW, 45 A, PRAKUTI GARDEN,
LAYOUT HSR SECTOR 2, BANGALORE - 560 102.**

BY ADV. SRI.D.AJITHKUMAR

RESPONDENT/COMPLAINANT:-:

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

BY PUBLIC PROSECUTOR SRI. C. RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

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B.A.No. 4345 of 2015

Dated this the 28th day of July, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioner is alleged to have committed the offences under Sections 268, 269, 278 and 34 of the Indian Penal Code, 1860 and Section 120(e) of Kerala Police Act and Sections 7 and 8 of the Environment (Protection) Act, 1986. The prosecution case is that on behalf of a hospital, the petitioner entered into an agreement with the co-accused for disposal of waste and accordingly waste was dumped in a property of a doctor situated in the city limits.

3. Heard.

4. The co-accused has already been granted bail. The petitioner entered into agreement on behalf of a hospital. He is not personally interested in the matter. Having regard to the facts of the case, I am inclined to grant the prayer of the petitioner.

In the result, this application is allowed.

1)The petitioner shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only)with two solvent sureties each for the like sum if he is arrested by the Police in connection with this case.

- 2) *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.*
- 3) *He shall not leave India without the previous permission of the court of enquiry or trial court as the case may be.*
- 4) *He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.*
- 5) *He shall not intimidate or attempt to influence the witnesses.*
- 6) *He shall not destroy or tamper with evidence.*
- 7) *He shall not get himself involved in any other criminal case while he is on bail.*

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

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

Sd/-
K. ABRAHAM MATHEW,
JUDGE

DST

//True copy//

P.A. To Judge