

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

**PRESENT:**

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

**WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937**

**Bail Appl..No. 4367 of 2015**  
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**CRIME NO. 292/2015 OF ALAPPUZHA SOUTH POLICE STATION.**  
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**PETITIONER:**  
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**JITHIN DEV, AGED 32,  
S/O.VASUDEVA KURUP,  
PALLUTHURUTHIL HOUSE,  
IRAVICHIRA WEST, SOORANADU SOUTH,  
KUNNATHUR, KOLLAM.**

**BY ADVS.SRI.K.R.VINOD  
MS.JENCY SUSAN JOSE  
SRI.V.SRI NATH**

**RESPONDENT(S):**  
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**STATE OF KERALA,  
REP. BY THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA,  
ERNAKULAM - 682 031.**

**\*ADDL. R2 IMPEADED**

**2. GIRISH KUMAR.R, AGED 37 YEARS,  
S/O.RAJAGOPAL.R, "RAJAGIRI", OLAYIL,  
THEVALLY.P.O., KOLLAM - 691 009.**

**ADDL. R2 IS IMPEADED AS PER ORDER DATED 31.07.2015  
IN CRL.M.A.7198/2015 IN BA.4367/2015.**

**R1 BY PUBLIC PROSECUTOR  
ADDL.R2 BY ADVS. SRI.ALAN PAPALI  
SRI.NISHIL.P.S.  
SRI.J.VIMAL  
SRI.ANTONY ROBERT DIAS**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 19-08-2015, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**mbr/**

**K. ABRAHAM MATHEW, J.**

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**B.A.No. 4367 of 2015**

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Dated this the 19<sup>th</sup> day of August, 2015

**O R D E R**

Petition filed under Section 438 Cr.P.C.

2. Petitioner is the accused in Crime No. 292 of 2015 of Alappuzha South Police Station. He is said to have committed the offences under Sections 406, 408, 468, 469, 420, 380, 201, 120B, 500 read with Section 34 of the Indian Penal Code.

3. The first informant is a business man. Some of the accused were members of his staff. They committed theft of computers and accessories from his place of business, forged certain documents and cheated him. It is alleged that they along with the petitioner had entered into a conspiracy, which resulted in the commission of the offences.

4. Heard.

5. Apart from the confession of a co-accused, there is nothing to connect the petitioner with the commission of the offences at present. But in the confession statement of that particular accused the Investigating Officer has obtained his

signature. Learned Public Prosecutor submits that it was an innocent mistake. That may or may not be true. But I cannot ignore the fact that he did not obtain the signature of the other persons questioned by him. Having regard to these facts, 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.1,00,000/- (Rupees one lakh 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 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 appear before the Investigating Officer between 10 a.m. and 11 a.m. alternate Wednesdays for two months or till the final report is filed, whichever is earlier.*
- 6)He shall not intimidate or attempt to influence the*

*witnesses.*

*7)He shall not destroy or tamper with evidence.*

*8)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.

It is made clear that this order will not stand in the way of the Investigating Officer taking into custody of the petitioner to effect recovery under Section 27 of the Evidence Act.

Sd/-  
**K. ABRAHAM MATHEW,**  
**JUDGE**

DST

//True copy//

P.A. To Judge