

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

Bail Appl..No. 4403 of 2015 ()

AGAINST THE ORDER IN CRMP 1243/2015 of D.C. & SESSIONS & MACT, KASARAGOD

DATED 17-04-2015

CRIME NO. 250/2015 OF CHANDERA POLICE STATION , KASARGOD

PETITIONER(S)/1ST ACCUSED:

SUKUMARAN M.V
S/O.LATE KORAN, RESIDING AT EDATTUMMAL, P.O.TRIKARIPUR
HOSDURG TALUK.

BY ADVS.SRI.M.RAMESH CHANDER (SR.)
SRI.ANEESH JOSEPH
SMT.DENNIS VARGHESE

RESPONDENT(S)/COMPLAINANT/STATE:

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, KOCHI-682031.

R BY PUBLIC PROSECUTOR SMT.M.MADHUBAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-09-2015,
ALONG WITH BA. 4404/2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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BABU MATHEW P. JOSEPH, J.

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B.A. No. 4403 of 2015

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Dated this the 8th day of September, 2015

ORDER

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondent. C.D. produced.

3. The petitioner is the first accused in Crime No.250 of 2015 of Chandra Police Station. The offence alleged is under Section 420 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The documents, including Annexure A10, produced along with the affidavit filed by the petitioner would clinchingly show that the allegations raised against the petitioner are baseless. He has no criminal antecedents. The custodial interrogation of the petitioner is not

required in this case. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case is almost over. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the facts stated in Annexure A10, this Court is of the considered view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

1) The petitioner shall surrender before the Investigating Officer on or before 15-09-2015.

In the event of his arrest, he shall be released on bail on his executing a bond for Rs. 25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) The petitioner shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

5) The petitioner shall not commit any similar offence while on bail.

6) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

**Sd/-
BABU MATHEW P. JOSEPH
JUDGE**

//TRUE COPY//

PA TO JUDGE

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