

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

Bail Appl..No. 4423 of 2015 ()

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CRIME NO. 1390/2013 OF KILIMANOOR POLICE STATION,
THIRUVANANDAPURAM DISTRICT
-----**

PETITIONER/2ND ACCUSED :

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BAIJU. M.S., AGED 40 YEARS,
S/O.MOHAMMED BASHEER, NAGAROOR VEEDU, K.K.KONAM P.O.,
PALICKAL VILLAGE, THIRUVANANTHAPURAM DISTRICT.**

**BY ADVS.SRI.K.SIJU
SRI.S.ABHILASH**

RESPONDENT/STATE :

**-----
STATE OF KERALA
THROUGH THE SUB INSPECTOR OF POLICE
KILIMANOOR POLICE STATION
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. R. REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K. ABRAHAM MATHEW, J.

B.A. No.4423 of 2015

Dated this the 29th day of July 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.1390 of 2013 of Kilimanoor Police station registered for the offences under Secs.406, 420, 465, 468 and 497 read with Sec.34 of the Indian Penal Code. The petitioner is the 2nd accused. The first accused is the wife of the first informant. While the first informant was working abroad, the 1st accused had illicit relationship with the petitioner which resulted in her pregnancy. According to the prosecution, her pregnancy was terminated at a hospital. The petitioner represented himself as husband of the 1st accused and he along with the other accused forged the 1st informant's signature in a cheque and withdrew Rs.40,000/- from his account.

3. Heard both sides.

4. The first accused has already been granted bail. Her version was that the first informant had entrusted with her certain signed cheque leaves and she

had been authorised to fill up the cheques and withdraw amount as and when she wants money. It is yet to be ascertained whether the signature is forged or not.

5. Having regard to these facts, I am inclined to grant the prayer of the petitioners.

In the result, the bail 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) The petitioner shall appear before the Investigating Officer between 10.00 a.m. and 11.00 a.m. every Wednesday for four months or till the final report is filed, whichever is earlier.

3) The petitioner shall surrender his passport before the lower court concerned or if he does not have the one, file an affidavit to that effect.

4) The petitioner shall not leave India without the previous permission of the court of enquiry or the trial court concerned as the case may be.

5) The petitioner shall not destroy or tamper with evidence nor shall he get himself involved in any other criminal case.

6) The petitioner shall not intimidate or attempt to influence the witnesses.

7) The petitioner shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with the 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
/ True Copy /

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P.A. To Judge