

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

Bail Appl..No. 4447 of 2015

CRIME NO. 276/2015 OF VELLAMUNDA POLICE STATION, WAYANAD DISTRICT.
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PETITIONER/ACCUSED:

**BABY.N.C, AGED 54 YEARS,
S/O.CHACKO, NADUVILEDATH HOUSE,
P.O.THONDERNADU, WAYANAD DISTRICT.**

**BY ADVS.SRI.N.MANOJ KUMAR
SMT.JAYASREE MANOJ**

RESPONDENT(S)/COMPLAINANTS:

- 1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE,
VELLAMUNDA POLICE STATION, WAYANAD DISTRICT,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.REMA.R

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

K. ABRAHAM MATHEW, J.

B.A. No.4447 of 2015

Dated this the 5th day of August 2015

O R D E R

Petition filed under Section 438 Cr.P.C.

2. Petitioner is accused in Crime No.276 of 2015 of Vellamunda Police station registered for the offences under Secs.420, 468 and 471 read with Sec.34 of the Indian Penal Code. The prosecution case is that one Ratnavally took her sister to the co-operative society where the petitioner was working as Assistant Secretary and from which, she obtained a loan. Her surety was her sister Anandavally. It is alleged that the petitioner along with the co-accused created false documents showing that Anandavally obtained a loan from the society and received Rs.10,000/- (Rupees ten thousand only). The prosecution case is that it was the first accused who was paid the amount.

3. Heard both sides.

4. The alleged incident happened on 06.01.2007. Admittedly the victim knew about it in 2008.

The First Information Statement was given only on 09.07.2015. The inordinate delay of seven years is a suspicious circumstance inspite of the fact that an explanation has been given for the delay. So I am inclined to grant the prayer of the petitioner.

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.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) He shall appear before the Investigating Officer for interrogation if he is so required by him in writing.

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

4) He shall not leave India without the previous permission of the court of enquiry or

the trial court concerned as the case may be.

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

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

7) He 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