

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. 4529 of 2015 ()

CRIME NO. 465/2015 OF MELUKKAVU POLICE STATION , KOTTAYAM

PETITIONER(S)/PETITIONERS/ACCUSED NOS. 2 & 3:

- 1. JOHNY MATHEW AGED 53 YEARS
S/O. MATHAI, KUNNUMPURATHU HOUSE, PALA
KOTTAYAM DISTRICT.**
- 2. CLARAMMA JOHNY AGED 48 YEARS
W/O. JOHNY, KUNNUMPURATHU HOUSE, PALA
KOTTAYAM DISTRICT.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G
SRI.DIPU JAMES**

RESPONDENT(S)/RESPONDENT/COMPLAINANTS:

- 1. STATE OF KERALA
REP. BY DY.SUPERINTENDENT OF POLICE, PALA
KOTTAYAM DISTRICT THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR OF POLICE
MELUKAVU POLICE STATION, KOTTAYAM DISTRICT
THROUGH BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.**

R BY PUBLIC PROSECUTOR SMT.M.MADHUBAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08-09-2015,
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.4529 of 2015
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Dated this the 8th day of September, 2015

ORDER

BABU MATHEW P. JOSEPH, J.

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 respondents. C.D.produced.

3. The petitioners are accused two and three in Crime No.465 of 2015 of Melukavu Police Station. The offences alleged are under Sections 406 and 420 read with Section 34 of the Indian Penal Code, under Section 3 (1) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and under Section 17 of the Kerala Money Lenders Act. The first petitioner is the husband of the second petitioner. The learned counsel for the petitioners submits that the petitioners are innocent of the allegations raised against them. They

have nothing to do with the transaction, if any, made between the de facto complainant's father and the first accused. The petitioners have no criminal antecedents. The custodial interrogation of the petitioner is not required in this case. He further submits that the petitioners apprehend 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 has progressed much. She further submits that no criminal antecedents have been reported against the petitioners. On considering the facts and circumstances and the stage of the investigation, it is open to the petitioner to surrender before the Jurisdictional Magistrate and seek regular bail as held by this Court in ***Shanu v. State of Kerala (2000 (3) KLT 452)*** and subsequent decisions.

5. Therefore, this bail application is disposed of as under:

The petitioner shall surrender before the Jurisdictional Magistrate within two weeks from today and

seek regular bail with intimation to the Assistant Public Prosecutor concerned at least three working days in advance. In case, such an application is preferred by the petitioner, the learned Magistrate shall pass appropriate orders on the application in the light of the decision in ***Shanu v. State of Kerala (2000 (3) KLT 452)*** and subsequent decisions of this Court as early as possible. In the nature of the allegations raised against the petitioners, the learned Magistrate shall be free to consider the grant of bail in respect of the offences alleged under Sections 406 and 420 of IPC as well.

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

//TRUE COPY//

PA TO JUDGE

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