

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

Bail Appl..No. 4659 of 2015 ()

CRIME NO. 442/2015 OF OONUKAL POLICE STATION , ERNAKULAM DISTRICT

PETITIONER/1ST ACCUSED:

**ELDHOSE MATHEWS, S/O.MATHEWS, AGED 33 YEARS,
RESIDING AT KUNNAPPILLY HOUSE, NERIAMANGALAM P.O.,
MANIMARUTHUMCHAL, KOTHAMANGALAM,
ERNAKULAM DISTRICT, PIN CODE - 686 693.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT/STATE/DE FACTO COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, COURT COMPLEX,
PARK AVENUE, ERNAKULAM,
COCHIN - 682 031 (REPRESENTED BY THE INVESTIGATING OFFICER IN
CRIME NO. 442/2015 OF OONKUMAL POLICE STATION,
ERNAKULAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 09-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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A.HARIPRASAD, J.

B.A. No.4659 of 2015

Dated this the 9th day of September, 2015

ORDER

Petition under Section 438 of the Code of Criminal Procedure.

2. Petitioner apprehends arrest in Crime No.442 of 2015 of Oonukal Police Station registered for offences punishable under Sections 465, 468, 471 and 473 read with Section 34 of the Indian Penal Code.

3. Prosecution case, in short, is that the accused persons with an intention to gain unlawfully and cause loss to the Government by unlawful means, forged various passes dated 16.06.2015, 17.06.2015, 30.06.2015 and 02.07.2015 for transporting sand. It is contended by the prosecution that two unused passes were recovered from the lorry owned by the petitioner.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. According to the learned counsel for the petitioner, there is no material to connect the petitioner to the alleged crime apart from the two unused passes said to be recovered from the lorry owned by him. Whereas, the learned Prosecutor contended that the said four passes out of which two were used could be recovered from his vehicle.

From the nature of allegations, I am of the view that interrogation of the petitioner is highly essential for the advancement of the case. Therefore, the following orders:

i. Petitioner shall surrender before the investigating officer within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.442 of 2015 of Oonukal Police Station.

ii. The sureties shall produce documents to establish their identity and solvency.

iii. Petitioner shall appear before the Investigating Officer as and when directed for the purpose of investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the learned Magistrate having jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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