

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

Bail Appl..No. 5434 of 2015 ()

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CRIME NO. 825/2015 OF PARAVOOR POLICE STATION, KOLLAM DISTRICT.**

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PETITIONER(S):

**BINU K., AGED 38 YEARS,
W/O.SUDEVAN, ABHAYAM,
BHOOOTHAKULAM, PARAVOOR,
KOLLAM.**

**BY ADVS.SRI.ARUN BABU,
SRI.G.HARIPRASAD.**

RESPONDENTS/COMPLAINANT/STATE:

- 1. KERALA STATE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.**
- 2. THE S.I. OF POLICE,
PARAVOOR POLICE STATION, PIN-691 001.**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

rs.

A.HARIPRASAD, J.

B.A No.5434 of 2015

Dated this the 14th day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioner is the second accused in crime No.825/2015 of Paravur Police Station registered for offences punishable under Sections 420, 409 and 468 r/w Section 34 I.P.C and Section 52 of the Indian Postal Act, 1898.

3. Prosecution case, in short, is that the first accused was the Postal Assistant in Paravur Post Office. In furtherance of the common intention of the first and second accused to cheat the public and to make unlawful gain, they committed forgery and also unlawfully transferred nearly Rs.50,00,000/- from various recurring deposits to the account of the second accused/petitioner.

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

5. Learned counsel submitted that the petitioner is not an

employee of the Postal Department. Without her knowledge, money was routed through her account is the contention of the petitioner. Learned Public Prosecutor opposed the bail application contending that the investigation is at the initial stage. First accused is yet to be arrested. The plea of innocence raised by the petitioner is not supported from the materials in the case diary. The petitioner was arrested on 20-08-2015. Considering the stage of investigation and the fact that the petitioner being a lady, I find that bail can be granted to the petitioner with following strict conditions :

1. The petitioner shall be released on bail on executing a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.
3. The petitioner shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioner shall surrender her passport, if

any. If she does not have a passport, she shall file an affidavit stating that fact before the learned Magistrate having jurisdiction.

5. The petitioner shall not indulge in any offence while on bail.
6. The petitioner shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioner, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**Sd/-
A.HARIPRASAD,
JUDGE.**

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P.A to Judge