

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

Bail Appl..No. 5594 of 2015

CRIME NO. 489/2015 OF MANKARA POLICE STATION, PALAKKAD DISTRICT.
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PETITIONER(S)/ACCUSED NO. 1 & 2:

- 1. PRAVEEN, S/O.SUKUMARAN, AGED 24 YEARS,
KUPPADAN MARE, POTTASSERY P.O, KANHIRAM,
MANNARKKAD TALUK, PALAKKAD DISTRICT**
- 2. BINDU, D/O.GOPALAKRISHNAN NAIR,
AGED 35 YEARS, "DEVI KRISHNA", MANNUR,
PALAKKAD DISTRICT.**

**BY ADVS.SRI.SANTHEEP ANKARATH
SRI.YJAFAR KHAN**

RESPONDENT/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTING STATION HOUSE OFFIER,
MANKARA POLICE STATION, MANKARA,
PALAKKAD DISTRICT, PIN - 678613.**

BY PUBLIC PROSECUTOR SMT.R.REMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A No.5594 of 2015

Dated this the 13th day of October, 2015.

ORDER

Application for pre-arrest bail under Section 438 Cr.P.C.

2. Petitioners are accused Nos.1 and 2 in Crime No.489 of 2015 of Mankara Police Station registered for an offence punishable under Section 420 r/w Section 34 I.P.C.

3. It is alleged that by extending a promise that the petitioners would provide an opportunity to the defacto complainant's daughter to sing in a film, they received Rs.6,00,000/- on various occasions. When they made a breach of promise, the defacto complainant demanded return of money for which, the first petitioner executed an agreement and handed over gold ornaments. On suspicion, the defacto complainant examined the veracity of gold ornaments, which showed that they handed over spurious gold.

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

5. Learned counsel for the petitioners submitted that the defacto complainant had already filed a case against them and they

were taken into custody in respect of that. Subsequently, another crime is registered in another police station in respect of the same incident to harass the petitioners. Learned Public Prosecutor opposed the submission by citing a report submitted by the Sub Inspector of Police, Mankara Police Station stating that the defacto complainant in this case was not the person, who preferred the complaint before the Hemambika Nagar Police Station. That apart, the learned Public Prosecutor would contend that the accused, who were released on bail in the other case are not complying with the conditions. After hearing the counsel on both sides, I am of the view that the pre-arrest bail can be granted to the second petitioner (second accused) with following directions :

1. Second petitioner shall surrender before the investigating officer within a period of one week from today and submit herself for interrogation. In that event, she 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 Investigating Officer.

2. The sureties shall produce documents to establish their identity and solvency.
3. Petitioner shall appear before the Investigating Officer as and when directed in writing and co-operate with the investigation in the matter.
4. Petitioner shall not influence or intimidate witnesses.
5. If any of the above conditions is violated by the petitioner, the learned Magistrate having jurisdiction is free to cancel the bail.

Considering the nature of allegations, I am of the view that the first petitioner (first accused) is not entitled to get any pre-arrest bail under Section 438 Cr.P.C. Therefore, following directions are issued :

The first petitioner shall surrender before the Investigating Officer within a period of one week from today and submit himself for

interrogation. Thereafter, he shall be produced before the learned Magistrate having jurisdiction on the same day. The petitioner is free to move for regular bail before the court below. In that event, the application shall be considered on merits as expeditiously as possible. If first petitioner does not surrender in the stipulated time, the Investigating Officer is free to arrest him as if no order is passed in this matter.

Sd/-
A.HARIPRASAD,
JUDGE.

//True copy//

P.A to Judge