

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

Bail Appl..No. 5722 of 2015

CRIME NO. 912/2015 OF EDATHWA POLICE STATION, ALAPPUZHA
.....

PETITIONER(S)/ACCUSED:

**MAHESWARAN, AGED 53 YEARS,
S/O.BHASURANGAN, PUTHENPARAMBIL HOUSE,
NEERETTUPURAM P.O., ALAPPUZHA DISTRICT.**

BY ADV. SRI.K.N.RADHAKRISHNAN (THIRUVALLA)

RESPONDENT(S)/COMPLAINANT:

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**
- 2. SUB INSPECTOR,
EDATHWA POLICE, ALAPPUZHA POLICE STATION,
PIN - 688 001.**

BY PUBLIC PROSECUTOR SRI.REJI JOSEPH

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
14-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RAJA VIJAYARAGHAVAN V, J.

B.A.No.5722 of 2015

Dated this the 14th day of October, 2015

O R D E R

This is an application filed under S.438 of the Code of Criminal Procedure.

2. The petitioner is the sole accused in Crime No.912/2015 of Edathwa Police Station. The said crime has been registered alleging offence punishable under S.464, 468, 471 of the Indian Penal Code.

3. The allegation is that the petitioner obtained the signature of the de facto complainant in a blank white paper and the said paper was forged and converted into an affidavit and the same was produced before this Court in a proceeding filed under S.482 of the Code of Criminal Procedure to quash the First Information Report in Crime

No.382/2014 .

4. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

5. The learned counsel appearing for the petitioner submitted that the registration of the crime is at the instance of the former Sub Inspector of Police, Edathwa who is having an axe to grind as against the petitioner for obtaining favourable order in CrI.M.C.No.6391/2014. It is pointed out by the learned counsel that the above crime, which was quashed as per Annexure 2 order of this Court, was registered by the Sub Inspector without any materials and therefore, the petitioner herein had approached the State Police Complaint Authority and filed a complaint against the said police officer. According to the learned counsel, Annexure 3 order was passed in his favour by the State Police Complaint Authority and the said authority has ordered the District Police Chief to initiate action against the

former Police Officer for misuse of his office.

6. I have gone through the materials and I am of the considered view that the petitioner has made out a prima facie case for grant of pre-arrest bail.

In the result, this application is allowed, but subject to the following conditions:

i). The petitioner shall be released on bail after interrogation on his executing a bond for 25,000/- with two solvent sureties for the like sum if he is arrested by the Police in connection with this case.

ii). The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the court or to any police officer.

iii). The petitioner shall make himself

available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

v). The petitioner shall not commit any similar offence while on bail.

vi). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge