

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

Bail Appl..No. 5869 of 2015

CRIME NO. 161/2015 OF CUMBAMMETTU POLICE STATION, IDUKKI
.....

PETITIONER(S):

- 1. SURABHI DAS,
PADANNAYIL HOUSE, BISON VALLEY P.O., BISON VALLEY,
PIN- 685 561.**
- 2. MOLY P. VARGHESE,
PULINTHANATH HOUSE, PADIKAPPU P.O., PIN - 685 561.**

BY ADV. SMT.K.L.LAKSHMI RANI

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM (ON BEHALF OF SUB INSPECTOR OF POLICE,
CUMBAMMETTU POLICE STATION) - 682 031.**

BY PUBLIC PROSECUTOR SRI.RAJESH VIJAYAN

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

RAJA VIJAYARAGHAVAN.V. J

B.A.5869/2015

Dated 15th October, 2015

ORDER

1. This is a petition seeking anticipatory bail, filed u/s 438 of the Code of Criminal Procedure.
2. The petitioners are accused Nos.1 and 2 in Crime No.161 of 2015 of Cumbamettu police station. The said crime has been registered u/s 406 and 420 r/w S.34 IPC.
3. The allegation is that as field staff of "Anugraha Industrial Charitable Society", the petitioners approached Angel SHG, of which the informant is the President, and assured that they would secure a loan for the members of "Angel SHG" from the District Co-operative Bank and in pursuance to the same, obtained a total sum of Rs.34,815/- from 17 members of "Angel SHG".

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

5.The learned counsel appearing for the petitioner would submit that they are merely Field workers of “Anugraha Industrial Charitable Society” which is a Society registered under the Charitable Societies Act. It is further submitted that their role was limited to collecting the initial contribution from the respective groups and they had duly deposited the amounts received by them in the above Society. It was further submitted that the petitioners have no criminal antecedents and the society has already taken steps to repay the amount to the members of “Angel SHG”.

6. After having heard the rival submissions, I am satisfied that custodial interrogation of the petitioners are not warranted in the facts and circumstances. I am of the considered view that the petitioners can be granted anticipatory bail subject to appropriate conditions.

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

- i). The petitioners shall be released on bail after interrogation on their executing a bond for 25,000/- each with two solvent sureties each for the like sum if they are arrested by the police in connection with this case.
- ii). The petitioners 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 petitioners shall make themselves available for interrogation as and when required by the investigating officer.
- iv). The petitioners shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

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

vi). The petitioners shall not leave India without the previous permission of the jurisdictional magistrate.

vii). 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

MrCS

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P.S. To Judge