

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

Bail Appl..No. 5934 of 2015 ()

**CRIME NO. 762/2015 OF MARANALLUR POLICE STATION ,
THIRUVANANTHAPURAM DISTRICT**

PETITIONER/ACCUSED NO.2 :

**SATHEESH S., AGED 36 YEARS,
S/O. LATE K.P.SANKAR, GIRIVARAM, ARUVIKKARA,
KOOVALASSERY, PIN-695 512.**

BY ADV. SRI.T.M.RAMAN KARTHA

RESPONDENT(S)/STATE AND COMPLAINANT:

- 1. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-682 031.**
- 2. SUB INSPECTOR OF POLICE,
MARANALLUR POLICE STATION, MARANALLUR POST,
THIRUVANANTHAPURAM-695 512.**

BY PUBLIC PROSECUTOR SMT. S.HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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RAJA VIJAYARAGHAVAN V, J.

B.A.No.5934 of 2015

Dated this the 19th day of October, 2015

O R D E R

This is an application seeking pre-arrest bail filed under S.438 of the Code of Criminal Procedure.

2. The petitioner is arrayed as the first accused in Crime No.762/2015 of Maranallur Police Station. The said crime has been registered for offence punishable under S.420 r/w. S.34 of the IPC.

3. The allegation is that, the petitioner herein who is the Managing Trustee of the Malayil Sree Madan Thamburan Temple Trust produced false ownership certificate before the Assistant Engineer, Maranallur Electrical Section for the purpose of availing power connection. The certificate is purported to have been issued by the Secretary of the

Maranallur Panchayat.

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 has submitted with vehemence that the 2nd accused is a freelancer sitting inside the precincts of the Panchayath office and the petitioner had availed his service to prepare the application form for obtaining ownership certificate. It was submitted that a search was conducted at the house of the 2nd accused and the police have seized incriminating materials including seals and letterheads of the Panchayath, which was being illegally used by the said accused for forging false documents. According to the learned counsel, though there are some disputes with regard to the ownership of the temple premises, there was no occasion for him to fabricate any document and to produce the same

before the Electricity authorities.

6. The learned Public Prosecutor, on the other hand, submitted that, on search of the premises of the second accused, materials meant for carrying out forgery were seized by the police authorities. The learned public prosecutor further submitted that several other unsuspecting persons were facing the brunt for the manipulations carried out by the 2nd accused.

7. Taking note of the rival submissions, and in the facts and circumstances, I am of the view that the petitioner can be granted the relief of anticipatory bail subject to 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). The petitioner 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.**

Bb

[True copy]

P.A to Judge