

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

Bail Appl..No. 6094 of 2015

CRIME NO. 1045/2015 OF ERNAKULAM CENTRAL POLICE STATION, ERNAKULAM
.....

PETITIONER(S)/2ND ACCUSED:

**TICHU TOMY, AGED 22 YEARS,
S/O.JOSEPH THOMAS, KIZHAKOODAN HOUSE,
BANK OF INDIA COLONY, KALOOR, PIN-682 017.**

BY ADV. SRI.P.A.MUJEEB

RESPONDENT(S)/COMPLAINANT:

**STATE OF KERALA,
REPRESENTED BY ITS STATE PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 673 031.**

BY PUBLIC PROSECUTOR SMT. T.Y.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
04-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

msv/

A.HARIPRASAD, J.

B.A. No.6094 of 2015

Dated this the 4th day of November, 2015

ORDER

Application under Section 438 of the Code of Criminal Procedure.

2. Second accused in Ernakulam Central Police Station Crime No.1045 of 2015 registered for offences punishable under Sections 406, 420, 456, 468 and 471 read with Section 34 of the Indian Penal Code seeks pre-arrest bail.

3. Gist of allegations is that the accused persons approached the Chief Manager of Bank of Baroda, Ernakulam North Branch for a loan. They made him believe that a prior loan availed from the State of Bank of India had been closed and a certificate had been produced to that effect. Later, it was revealed that the certificate produced was a fake one.

4. Heard both sides.

5. Learned counsel for the petitioner submitted that the petitioner has no role in procuring the false certificate.

Considering the nature of allegations, I find no need to have a custodial interrogation of the petitioner. Hence the following order:

i. Petitioner shall surrender before the investigating officer

within a period of two weeks and submit himself for interrogation. Thereafter he shall execute a bond for ₹25,000/- (Rupees twentyfive thousand only) with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail in Crime No.1045 of 2015 of Ernakulam Central Police Station.

ii. The sureties shall produce documents to establish their identity and solvency. The investigating officer shall not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the investigating officer as and when directed in writing and co-operate with the investigation in the matter.

iv. He shall not influence or intimidate the witnesses.

In case of violation of any of the above conditions, the officer concerned is free to arrest the petitioner as if no order is passed.

A. HARIPRASAD, JUDGE.

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