

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. 6134 of 2015 ()

CRIME NO. 512/2014 OF PALODE POLICE STATION, THIRUVANANTHAPURAM

PETITIONER/ACCUSED :

**ROMEO, AGED 34 YEARS
S/O.SASIDHARAN, NISHA BHAVAN, VETTIMANKONAM
KALLAMBALAM, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.G.RANJU MOHAN
SMT.M.SANTHI (K/868/2011)**

RESPONDENT :

**STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM-682 031.**

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:**

Mn

RAJA VIJAYARAGHAVAN V, J.

B.A.No.6134 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, Romeo, S/o.Sasidharan is stated to be the first accused in Crime No.512/2014 of Palode Police Station. The said crime has been registered for offence under S.420, 468, 419, 471 r/w.S.34 of the IPC and under S.66(c) of the Information Technology Act.

3. The allegation in brief is that, the petitioner along with the other accused fabricated documents and misappropriated a huge sum of money from the NRI accounts of the father of the petitioner.

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 that the allegations raised to the effect that a huge sum of money, as claimed by the first informant, was pilfered by the petitioner is unbelievable in the facts and circumstances. According to the learned counsel, there are pre-existing disputes between the petitioner and his father and it is as a result of the aforesaid hostility that crime has been got registered.

6. On the other hand, the learned Public Prosecutor has submitted that the petitioner and the other accused are not co-operating with the investigation and sufficient directions be issued so that investigation could proceed in the proper line.

7. After having noted the rival submissions, I am of

the view that this is not a case where the custodial interrogation of the petitioner is warranted. Therefore, considering the entire facts and circumstances, I am of the view that the petition can be disposed with the following directions:

- i. The accused shall, within a period of one week, surrender before the investigating officer and submit himself for interrogation. Thereafter, the accused shall execute a bond for Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties for the like sum to the satisfaction of the investigating officer. In that event, he shall be released on bail.
- ii. The accused shall appear before the investigating officer at 10.00 a.m. on the next two consecutive days and submit himself for interrogation.
- iii. If the investigating officer requires the attendance of the accused on any further

occasion than the days mentioned above, he can direct the accused in writing to appear and co-operate with the investigation.

iv. The accused shall surrender his passport before the Magistrate concerned in one week from the date of appearance before the investigating officer. If the accused does not have a passport, he shall swear to an affidavit showing that fact and submit it before the learned Magistrate having jurisdiction.

v. The accused shall not influence or intimidate the witnesses. He shall not meddle in any manner with the investigation.

vi. The accused shall not leave the limits of State of Kerala without the permission of the Magistrate concerned.

vii. If any of the conditions above is violated, the Magistrate having

jurisdiction is empowered to cancel the bail in accordance with law without referring the matter to this Court.

This application is allowed as above.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE.**

Bb

[True copy]

P.A to Judge