

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

Bail Appl..No. 6183 of 2015

CRIME NO. 287/2015 OF PATTAMBI POLICE STATION , PALAKKAD DISTRICT

APPLICANT(S)/ACCUSED :

**MUHAMMED ALI, AGED 48 YEARS,
S/O.MOIDEEN, ALIKKAL HOUSE, KURUVATTOR,
VALLAPUZHA.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.THOMAS J.ANAKKALLUNKAL
SRI.VIPIN NARAYAN**

RESPONDENT(S)/COMPLAINANT :

**STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT.TY.LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-10-2015, ALONG WITH BA.NO.6189 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Msd.

A.HARIPRASAD, J.

B.A. Nos.6183 & 6189 of 2015

Dated this the 30th day of October, 2015

COMMON ORDER

Applications under Section 438 of the Code of Criminal Procedure.

2. B.A.No.6183 of 2015 arises out of Crime No.287 of 2015 of Pattambi Police Station registered for offences punishable under Sections 468, 471, 420 and 120 of the Indian Penal Code. B.A.No.6189 of 2015 is pertaining to Crime No.423/2013/CR/EOW-II/KTM of CBCID, Palakkad registered under Sections 409, 420 and 120B read with Section 34 of the Indian Penal Code.

3. Prosecution case in Crime No.287 of 2015 is that during the period 2003 to 2007 while the petitioner was functioning as the President of the Grama Panchayat, he abused his possession as public servant and collected ₹36,900/- from public by using unauthorised and bogus receipts. In Crime No.423/2013/CR/EOW-II/KTM the allegation is that accused being the former President, Vice President, etc, of a Grama Panchayat with a view to make wrongful gain and to cause loss to the Government conspired and obtained ₹2,96,659/- in the name of erection of fictitious pipe

lines.

4. Heard the learned Senior Counsel for the petitioners and the learned Prosecutor.

After hearing the learned Senior Counsel and the Prosecutor, I am of the view that the matters can be investigated even without a custodial interrogation. Therefore, pre-arrest bail is granted to the petitioners with following directions:

i. Petitioners shall surrender before the investigating officer within a period of three weeks and submit themselves for interrogation. Thereafter each one of them shall execute a bond for ₹50,000/- (Rupees fifty thousand only) in each case with two solvent sureties each for the like sum to the satisfaction of the investigating officer. In that event, they shall be released on bail in the above crimes.

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

iv. They 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 petitioners as if no order is passed.

A. HARIPRASAD, JUDGE.

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