

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

Bail Appl..No. 6397 of 2015

AGAINST THE ORDER IN CRMC 1362/2015 of SESSIONS COURT, THALASSERY
DATED 01-10-2015
CRIME NO. 1246/2015 OF IRITTY POLICE STATION , KANNUR

PETITIONER/ACCUSED :

VENGA GOPALAN AGED 61 YEARS
S/O. RAMAN, THERUVATH VEEDU, THILLANGERI AMSOM & P.O.
AALAYAD DESOM, IRITTY TALUK, KANNUR DISTRICT.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENTS/STATE :

1. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM-682 031.(CRIME NO.1246/2015 OF IRITTY POLICE
STATION
KANNUR DISTRICT).
2. STATION HOUSE OFFICER
IRITTY POLICE STATION
KANNUR DISTRICT-670 703.(CRIME NO.1246/2015 OF
IRITTY POLICE STATION
KANNUR DISTRICT).

R BY PUBLIC PROSECUTOR SMT. BINDU GOPINATH

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

BABU MATHEW P. JOSEPH, J.

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B.A. No. 6397 OF 2015

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Dated this the 11th day of November, 2015

O R D E R

This petition is filed under Section 438 of Cr.P.C. for anticipatory bail.

2. Heard the learned counsel appearing for the petitioner and the learned Public Prosecutor appearing for the respondents. C.D. produced.

3. The petitioner is the accused in Crime No. 1246 of 2015 of Iritty Police Station. The offence alleged is under Section 25(1B)(a) read with Section 3 of the Arms Act. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The petitioner is aged 61. He has no criminal antecedents. The investigation of the case is almost over. The petitioner is ready and willing to co-operate with the investigating agency. His custodial interrogation is not required. He

further submits that the petitioner apprehends arrest by the police at any time.

4. The learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case has progressed much. She further submits that no criminal antecedents have been reported against the petitioner. On considering the facts and circumstances, stage of the investigation and the fact that no criminal antecedents have been reported against the petitioner, this Court is of the view that the petitioner can be granted anticipatory bail imposing appropriate conditions.

Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1) The petitioner shall surrender before the Investigating Officer on or before 19.11.2015. In the event of his arrest, he shall be released on bail on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.

2) 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 or her from disclosing such facts to the Court or to any Police Officer.

3) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

5) The petitioner shall not commit any similar offence while on bail.

6) The petitioner shall not leave India without the previous permission of the concerned Magistrate's Court.

This application is allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

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True copy P.S. (Hr.Gr.)To Judge

