

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 6404 of 2015 ()

CRIME NUMBER NOT KNOWN

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PETITIONER/ANTICIPATED ACCUSED:

PRIYA, D/O. SUMANGI,
PRIYA NIVAS, MULLARANKODE,
OTTOOR VILLAGE, VARKALA.

BY ADVS.SRI.R.MANOJ,
SMT.K.S.SAMEERA.

RESPONDENT/COMPLAINANT:

1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
(ON BEHALF OF S.I. OF POLICE,
ANCHAL POLICE STATION).

* ADDL. R2 IMPEADED

2. PRABATH, AGED 45, S/O. SREEDHARAN,
ARUNODAYAM, VILAKKUPARA P.O.,
MUZHATHANGU, AYIRANELLOOR VILLAGE,
KOLLAM DISTRICT.

* ADDL. R2 IS IMPEADED AS PER ORDER DATED 18/12/2015
IN CRL.MA. NO.10039/2015.

BY PUBLIC PROSECUTOR SMT.M.T. SHEEBA.
ADDL. R2 BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA).

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

BABU MATHEW P. JOSEPH, J.

B.A. No.6404 of 2015

Dated this the 18th day of December, 2015

ORDER

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 first respondent and the learned counsel appearing for the additional second respondent. C.D. produced.

3. The petitioner is the second accused in Crime No.1746 of 2015 of Anchal Police Station. The offence alleged is under Section 420 read with Section 34 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against her. She has no criminal antecedents. The investigation of the case has progressed much. The custodial interrogation of the petitioner is not required. It is further submitted that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor and the learned counsel appearing for the additional second respondent have opposed this petition. Learned Public Prosecutor admits the fact that the investigation of the case has progressed much even though it is yet to be completed. 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 facts that the petitioner is a woman and against whom no criminal antecedents have been reported, 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 30.12.2015. In the event of her arrest, she shall be released on bail on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) 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 herself available for interrogation as and when required by the Investigating Officer.
- 4) The petitioner shall not influence or intimidate the prosecution witnesses nor shall she 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.

BABU MATHEW P. JOSEPH
Judge