

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

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

Bail Appl..No. 6418 of 2015 ()

CRIME NO. 936/2014 OF MAYYIL POLICE STATION , KANNUR

PETITIONER/ACCUSED:

PRAMOD K., AGED 28 YEARS
S/O.CHANDRAN, PURATHEPARAMBIL HOUSE, NARATH
KANNUR-670601.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.K.ASHIS

RESPONDENT/RESPONDENT/COMPLAINANT:

SHO MAYYIL POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA-682031.

BY PUBLIC PROSECUTOR SRI. ABHIJET LESSLIE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30-10-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

RAJA VIJAYARAGHAVAN.V. J

B.A.6418 of 2015

Dated 30th October, 2015

ORDER

1. In this application filed u/s 438 of the Code of Criminal Procedure, the petitioner seeks anticipatory bail in the event of his arrest in crime No.936 of 2014 of Mayyil police station. The aforesaid crime was originally registered against one Elamana Gopi and his son Rajesh alleging offence punishable u/s 436 of the IPC.
2. The crux of the allegation is that the accused persons had burnt down the house of one Santhosh, who is employed abroad, causing a loss of Rs.300,000/-. It was based on the information furnished by the wife of Santhosh that the aforesaid crime was registered.
3. I have heard the learned counsel appearing for the petitioner as well as the learned Public Prosecutor.

4.The learned counsel appearing for the petitioner submitted that solely on the basis of suspicion, the petitioner has been repeatedly summoned to the police station and he is being harassed. According to the learned counsel, the petitioner has already disclosed everything to his knowledge before the investigating officer . It is asserted that the petitioner is innocent of the allegations.

5.The learned Public Prosecutor on instructions, submitted that the telephone call records of the petitioner pointed the finger of suspicion at the petitioner. Investigation is at the initial stage and if the petitioner is armed with an order of anticipatory bail, it will result in the investigation being scuttled.

6.The case records were handed over for perusal. The records reveal that the Investigating Officer suspects involvement of the petitioner also in the crime as there are discrepancies in the statement furnished by the

petitioner to the Investigating Officer. It is also revealed that the petitioner was questioned on several occasions. The petitioner is targeted on the basis of suspicion and it appears that the apprehensions raised by the petitioner is genuine.

7. After having heard the rival submissions, I am of the considered view that the application can be allowed subject to the following conditions.

- i). The petitioner shall be released on bail after interrogation on hisr executing a bond for 25,000/- with two solvent sureties each for the like sum in the event of his arrest by the Police in connection with this case.
- ii). 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/her from disclosing such facts to the court or to any police officer.
- iii). The petitioner shall make himself

available for interrogation as and when required by the investigating officer.

iv). The petitioner shall not influence or intimidate the prosecution witnesses or attempt to tamper with the evidence for the prosecution.

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

vi). The petitioner shall not leave India without the previous permission of the jurisdictional magistrate.

viii). In case of violation of any of the above conditions, the jurisdictional magistrate shall be empowered to cancel the bail in accordance with law.

This application is allowed as above.

Sd/-

RAJA VIJAYARAGHAVAN.V.
Judge

MrCS

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P.S. To Judge