

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. 6651 of 2015

CRIME NO. 1282/2015 OF KEEZHVAIPUR POLICE STATION , PATHANAMTITTA

PETITIONER:

SREENIVASA KURUP AGED 56 YEARS
S/O. NARAYANA KURUP,
KODATHINAL HOUSE, CHEMBAKKARA P.O.
KARUKACHAL,
KOTTAYAM DISTRICT.

BY ADV. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

RESPONDENTS:

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

2. SUB INSPECTOR OF POLICE,
KEEZHVAIPUR POLICE STATION
PATHANAMTHITTA 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. 6651 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. 1282 of 2015 of Keezhvaipur Police Station. The offences alleged are under Sections 452, 323 and 354 of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The de facto complainant is the mother of his divorced wife. In order to wreak vengeance against the petitioner, this

case has been foisted against him alleging non-bailable offences utilising the 84 year old de facto complainant. The petitioner has no criminal antecedents. The investigation of the case is almost over. Custodial interrogation of the petitioner 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**

ks.

True copy

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