

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. 6688 of 2015 ()

CRIME NO. 1104/2015 OF KOLLENGODE POLICE STATION,PALAKKAD DISTRICT

PETITIONER/ACCUSED:

**MURUKAN, AGED 34 YEARS,
S/O.ANDI, PALLAVURKAD, PALLAVUR POST,
CHITTUR TALUK, PALAKKAD DISTRICT, PIN-678 688.**

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT/COMPLAINANT & STATE :

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

BY PUBLIC PROSECUTOR SMT. M.T.SHEEBA

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

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BABU MATHEW P. JOSEPH, J.

B.A. No.6688 of 2015

Dated this the 18th day of December, 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 respondent. C.D. produced.

3. The petitioner is the accused in Crime No.1104 of 2015 of Kollengode Police Station. The offences alleged are under Sections 341, 323, 452, 308 and 294(b) of the Indian Penal Code. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. The police has registered this case based on a private complaint preferred by the defacto complainant before the court. The investigation of the case has progressed much. The custodial interrogation of the petitioner is not required in this case. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She submits that the investigation of the case 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 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 30.12.2015. 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 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 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.

BABU MATHEW P. JOSEPH
Judge

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