

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

TUESDAY, THE 17TH DAY OF NOVEMBER 2015/26TH KARTHIKA, 1937

Bail Appl..No. 7079 of 2015 ()

CRIME NO. 1624/2015 OF KUNNIKODE POLICE STATION, KOLLAM DISTRICT.

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PETITIONER/ACCUSED NO.1:

**JOY JOSEPH, AGED 63 YEARS,
S/O.LATE M.K. JOSEPH, JIJO VILLA,
KUNNIKODE P.O., VILAKKUDY VILLAGE,
PATHANAPURAM TALUK, KOLLAM DISTRICT.**

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

RESPONDENTS & STATE:

- 1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM- 682 031,
(CRIME NO.1624/2015 OF KUNNIKODE POLICE STATION,
KOLLAM DISTRICT).**
- 2. STATION HOUSE OFFICER,
KUNNIKODE POLICE STATION,
KOLLAM DISTRICT -691 508,
(CRIME NO.1624/2015 OF KUNNIKODE POLICE STATION,
KOLLAM DISTRICT).**

BY PUBLIC PROSECUTOR SMT.T.Y. LALIZA.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 17-11-2015, ALONG WITH BA NO.7080 OF 2015, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

A. HARIPRASAD, J.

Bail Appl. No.7079 & 7080 of 2015

Dated this the 17th day of November 2015

ORDER

Bail applications filed under Sec.438 Cr.P.C.

2. Petitioners are accused nos.1 and 2 respectively in Crime No.1624 of 2015 of Kunnikode Police station registered for the offences punishable under Secs.406 and 420 read with Sec.34 of the Indian Penal Code. Prosecution case is that the petitioners, who are employees of Nediyaavila Private Bank, appropriated 667.7 grams of gold kept in 51 packets and thereby caused huge loss to the defacto complainant who is the Managing Director of the Bank.

3. Heard the learned counsel for the petitioners, counsel for the defacto complainant and the learned Public Prosecutor.

4. Learned counsel for the petitioners submitted that the petitioner in B.A. No.7079 of 2015 had filed a complaint before the Police stating that the defacto complainant must have removed the gold

ornaments with a view to trap him and he wanted a proper investigation in the matter. It is also submitted that after filing of this petition, a false complainant has been filed implicating the employees. In the complaint preferred by the petitioner before the Sub Inspector of Police, it is mentioned that the defacto complainant is in possession of the duplicate keys of the chest where valuables are kept.

Considering the nature of allegations, I do not find it necessary to have the custodial interrogation of the petitioners. Therefore, pre arrest bail can be granted to the petitioners with the following conditions.

1. The petitioners shall surrender before the investigating officer within a period of two weeks and submit themselves for interrogation.

2. In the event of arrest, the petitioners shall be released on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like

sum to the satisfaction of the investigating officer.

3. The petitioners shall appear before the Investigating Officer as and when directed for interrogation.

4. The petitioners shall not intimidate or attempt to influence the witnesses, nor shall they tamper with the evidence.

5. The petitioners shall co-operate with investigation of the case.

In case of violation of any of the above conditions, the learned Magistrate is empowered to cancel the bail in accordance with law without referring the matter to this Court.

Sd/-
A. HARIPRASAD
JUDGE
/ True Copy /

NS/17/11/2015

P.A. To Judge