

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

Bail Appl..No. 7447 of 2014 (A)

CRIME NO. 1139/2014 OF ATTINGAL POLICE STATION , THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

JIMMY JOSEPH, AGED 32
S/O.KALATHIPARAMBIL JOSEPH, KALATHILPARAMPIL
VARANADU P.O., CHERTHALA, ALAPPUZHA DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENT/STATE:

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

BY PUBLIC PROSECUTOR SMT.LISHA M.G.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

B. A. No.7447 of 2014

Dated this the 22nd day of June, 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 respondent. C.D. produced.

3. The petitioner is the accused in Crime No.1139 of 2014 of Attingal Police Station. The offences alleged are under Sections 406 and 420 read with Section 34 of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. The police has registered this case based on a private complaint preferred by the de facto complainant before the court. The complaint so filed before the court is Annexure-1. The allegations raised in Annexure-1 are baseless. Even going by Annexure-1, no criminal offence has been made

out. The allegations would go to show that they only attract an action before a civil court. The investigation of the case is over. The petitioner has no criminal antecedents. 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 submits that the investigation of the case is almost over and the Final Report will be filed soon. 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 satisfied that the petitioner can be granted anticipatory bail imposing appropriate conditions.

5. Therefore, the petitioner is granted anticipatory bail subject to the following conditions:

- 1)The petitioner shall surrender before the Investigating Officer on or before 29-06-2015. In the

event of his arrest, he shall be released on bail on his executing a bond for ₹ 25,000/- (Rupees twentyfive 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 petition is allowed as above.

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

kns/-

//TRUE COPY//

P.A. TO JUDGE