

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

Bail Appl..No. 7553 of 2015

CRIME NO. 722/2015 OF PALARIVATTOM POLICE STATION, ERNAKULAM

PETITIONER(S)/ACCUSED:

**ANURAG TIRKEY, AGED 32 YEARS,
S/O.VINCENT TIRKEY,
ETHICAL SURROGACY INDIA PVT. LTD., (ESI),
DOOR NO.27/2827 -B, BHAVAN SCHOOL ROAD, KADAVANTHARA,
ERNAKULAM.**

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

RESPONDENT(S)/STATE:

**1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM-
682031 (CRIME NO.722/2015 OF PALARIVATTOM POLICE STATION,
ERNAKULAM DISTRICT).**

**2. STATION HOUSE OFFICER,
PALARIVATTOM POLICE STATION,
ERNAKULAM DISTRICT -682025 (CRIME NO.722/2015
OF PALARIVATTOM POLICE STATION,
ERNAKULAM DISTRICT).**

BY SENIOR PUBLIC PROSECUTOR SRI.C.RASHEED

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

A.HARIPRASAD, J.

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B.A.No.7553 of 2015

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Dated this the 2nd day of December, 2015

ORDER

Application filed under Section 438 of the Code of Criminal Procedure.

2. The petitioner apprehends arrest in Crime No.722/2015 of Palarivattom Police Station registered under Sections 406 and 420 of the Indian Penal Code. The petitioner is the Chief Executive Officer, Ethical Surrogacy Indian Pct. Ltd., a company incorporated under the Companies Act. The company is engaged in providing services related to infertility. They extend other related facilities as well. There is a memorandum of understanding between Renai Medicity and the petitioner's Company. As per the complaint, the petitioner failed to perform the obligations under the memorandum of undertaking and thereby committed cheating, causing consequential financial loss to the complainant.

3. Heard the learned counsel for the petitioner and learned Public Prosecutor.

4. Learned Public Prosecutor submitted that the petitioner shall appear before the Investigating Officer and co-operate with the investigation.

5. Considering the nature of allegations, I am inclined to grant anticipatory bail to the petitioner with the following conditions:

- (a) Petitioner shall surrender before the Investigating Officer within a period of 'two weeks' from today and submit himself for interrogation. Thereafter, he shall be released on bail on his executing a bond for Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties each for the like sum to the satisfaction of the Investigating Officer.
- (b) If the petitioner chooses to deposit Rs.50,000/- , instead of executing a bond with sureties the Investigating Officer shall permit the petitioner to deposit the said amount before the Magistrate having jurisdiction and allow the petitioner to

execute personal bond.

- (c) The petitioner shall appear before the Investigating Officer as and when required for the purpose of interrogation.
- (d) The petitioner shall co-operate with the investigation of the case.
- (e) The petitioner shall not intimidate or attempt to influence the witnesses.
- (f) The petitioner shall not in any manner interfere or meddle with the investigation.
- (g) Petitioner shall not, during the period of this bail get involved in any offence.

In case any of the above conditions is violated, bail granted hereby is liable to be cancelled for which the investigating officer may move application before the jurisdictional magistrate.

Sd/-
A.HARIPRASAD, JUDGE.

AVS

//TRUE COPY//

P.A TO JUDGE