

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 3RD DAY OF DECEMBER 2015/12TH AGRAHAYANA, 1937

Bail Appl..No. 7559 of 2015

V.C. NO. 8/2015/TSR OF VACB, THRISSUR.
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APPLICANT/ACCUSED:

**K.S.SHIBU, AGED 51 YEARS,
JOINT RTO, UNDER SUSPENSION,
S/O.KAMALESWAN, DEVIKRIPA,
KALPADA, KARUKULAM P.O.,
VALLAPPARA VILLAGE,
THIRUVANANTHAPURAM DISTRICT.**

**BY SRI.P.VIJAYA BHANU (SENIOR ADVOCATE)
ADVS. SRI.THOMAS J.ANAKKALLUNKAL
SMT.MITHA SUDHINDRAN**

RESPONDENT/COMPLAINANT:

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

**BY ADDL. DIRECTOR GENERAL OF PROSECUTION
SRI.K.I.ABDUL RASHEED**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

mbr/

A.HARIPRASAD, J.

B.A. No.7559 of 2015

Dated this the 3rd day of December, 2015

ORDER

Application for bail under Section 439 of the Code of Criminal Procedure.

2. Petitioner is the accused in V.C.No.8/2015/TSR of VACB, Thrissur registered for offences punishable under Section 13(1)(d) and (e) read with Section 13(2) of the Prevention of Corruption Act, 1988. He seeks bail.

3. Prosecution case, in brief, is that a surprise check was conducted on 12.12.2014 on the basis of information received by the Superintendent of Police, VACB, Central Range, Ernakulam regarding the acceptance of illegal gratification by the petitioner, who was working as Joint Regional Transport Officer, Irinjalakuda. During the surprise check, unaccounted money to a tune of ₹56,500/- was seized from the possession of the petitioner. On questioning he stated that the amount was drawn from treasury. Officers cross-checked the records and found that the version of the petitioner was not correct. After complying with the formalities, a case was registered and the petitioner was taken into custody on 13.11.2015.

4. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Director General of Prosecution.

5. Learned Additional Director General of Prosecution strongly opposed the application contending that there are enough materials in the case diary to prima facie hold that the accused committed the offences alleged.

6. Learned Senior Counsel contended that the petitioner is in custody from 13.11.2015 and major part of the investigation is over. It is also submitted that as per Annexure-B order, the Government have suspended the officer from service.

Considering the entire matters, I am inclined to grant bail to the petitioner with following strict conditions:

i. Petitioner shall be released on bail on executing a bond for ₹1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.

ii. The sureties shall produce documents to establish their identity and solvency. The lower court need not insist on the solvency certificate, but other documents can also be perused to find out whether the sureties are solvent or not.

iii. Petitioner shall appear before the Investigating Officer on all Saturdays between 10.00 and 11.00 a.m until final report is filed.

- iv. Petitioner shall not indulge in any offence while on bail.
- v. He shall not influence or intimidate the witnesses or meddle with the investigation in any manner.
- vi. He shall not enter the limits of Thrissur District until final report is filed except for the purpose of complying with the bail conditions.

If any of the above conditions is breached by the petitioner, the lower court concerned is free to cancel bail without referring the matter to this Court.

A. HARIPRASAD, JUDGE.

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