

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. 7700 of 2015

CRIME NO. 234/CR/HHW III/2014 OF CRIME BRANCH, KASARAGOD

PETITIONER/2ND ACCUSED:

MADHUMADANAN K. AGED 52 YEARS
S/O.KRISHNAN NAIR, SANTHINAGAR HOUSE, KARADUKKA P.O.
KASARAGOD DISTRICT.

BY ADV. SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT/STATE:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

R 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:

BABU MATHEW P. JOSEPH, J.

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B.A. No. 7700 OF 2015

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Dated this the 18th day of December, 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 second accused in Crime No. 234/CR/HHW III/2014 of Crime Branch, Kasaragod. The offences alleged are under Sections 167, 468 and 471 read with Section 34 of the Indian Penal Code, under Section 12 (1)(a) and (b) of the Passports Act and under Section 116 (e) of the Kerala Police Act. Learned counsel for the petitioner submits that the petitioner is innocent of the

allegations raised against him. He is presently working as Sub Inspector of Police. He has more than 30 years of unblemished service in the police department. He has no criminal antecedents. The investigation of the case has progressed much. Custodial interrogation of the petitioner is not required. He was already interrogated by the police. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor has opposed this petition. She admits the fact that the investigation of the case has progressed much. 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) 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.

**Sd/-
BABU MATHEW P. JOSEPH
JUDGE**

ks.

True copy

P.S. (Hr.Gr.)To Judge