

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

Bail Appl..No. 7761 of 2015 ()

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CRIME NO. 1313/2015 OF TOWN NORTH POLICE STATION,
PALAKKAD DISTRICT
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APPLICANT/ACCUSED :

**SUDHEERKUMAR, AGED 40 YEARS,
S/O.CHANDRASEKHARAN NAIR, KRISHNA NIVAS,
PUTHUR ROAD, KOPPAM, PALAKKAD.**

BY ADV. SRI.V.A.JOHNSON (VARIKKAPPALLIL)

RESPONDENT/COMPLAINANT :

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

BY PUBLIC PROSECUTOR SMT. HYMA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

K.P. JYOTHINDRANATH, J.

B.A. No.7761 of 2015

Dated this the 18th day of December, 2015

O R D E R

This is an application filed under Section 438 of the Code of Criminal Procedure.

2. When the petition came up for hearing, the learned counsel for the petitioner fairly conceded that petitioner is an accused in two other crimes where i.e. crime No.1298/2015 and 1296/2015 of the very same police station. It is the submission that the allegation in the said crimes are also similar to the allegations seen herein. It is the further submission of the learned counsel that even though all these crimes were pending for investigation before the very same police station, to harass this petitioner, the arrest was not recorded in this case, so as to arrest him on a later point of time.

3. It is the submission that now the police is behind him to arrest and incarcerate him. It was a tactic played by the police and it is also the submission that even though the petitioner was available for interrogation by getting custody

or otherwise they were not questioned the petitioner. It is an indication that the police actually not wanted to interrogate the petitioner in this crime.

4. I heard the learned Public Prosecutor.

5. The learned Public Prosecutor submitted before me that all these crimes are distinct and different. The allegations may be similar, but it does not mean that the crimes are connected one. It is the submission that in connection with this crime, interrogation is highly necessary.

After considering all the submissions made by the counsel for the petitioner and the learned Public Prosecutor, the following orders passed:

- 1) The petitioner shall appear before the Investigating Officer within ten days of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After interrogation if the police officer feels that this is a case where arrest is necessary, he is at liberty to arrest the petitioner. After arrest, if any recovery is necessary that also

can be made. Thereafter the petitioner shall be released on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the officer concerned. After release on bail, the petitioner shall appear before the Investigating Officer on all Saturdays in between 10 a.m and 12 noon for a period of three months.

- 2) The petitioner shall not commit similar offences during the bail period.
- 3) The petitioner shall not influence or intimidate the witnesses.
- 4) The petitioner shall co-operate with the investigation.

On the above conditions, this anticipatory bail application is allowed.

Sd/-
K.P. JYOTHINDRANATH
JUDGE
//True copy//

P.A. TO JUDGE

shg/