

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

Bail Appl..No. 7784 of 2015 ()

CRIME NO. 3441/2015 OF CHANGANASSERY POLICE STATION, KOTTAYAM DISTRICT

PETITIONER/SOLE ACCUSED :

**R.SUNILKUMAR, AGED 43 YEARS
S/O. RAMACHANDRAN NAIR, RESIDING AT SNITHA VILLA
KAVIYOOR P.O., KAVIYOOR VILLAGE, THIRUVALLA TALUK
PATHANAMTHITTA.**

BY ADV. SRI.MANU RAMACHANDRAN

RESPONDENT/COMPLAINANT/STATE :

**STATE OF KERALA
REPRESENTED BY THE SUB INSPECTOR OF POLICE
CHANGANASSERRY POLICE STATION, KOTTAYAM DISTRICT
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SMT. MADHUBEN M.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17-12-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

Mn

K.P.JYOTHINDRANATH, J.

B.A.No.7784 of 2015

Dated this the 17th day of December, 2015

ORDER

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

2. The case of the petitioner is that, he is apprehending arrest and detention in connection with Crime No.3441/2015 of Changanassery Police Station, where the offence alleged is under Section 468 of IPC. The allegation is that the petitioner forged a Will, which is the subject matter of O.S.No.491 of 2014 on the files of the Munsiff's Court, Changanassery. It is the submission that, the defacto complainant is none other than the sister of the petitioner herein. This is actually a civil dispute.

3. I heard the learned Public Prosecutor. The Prosecutor conceded the fact that, if the finding of the Munsiff's Court is that the above said Will is a genuine one, surely the prosecution will not lie. Thus considering the totality of the case and the irreparable injury that may be caused to the petitioner, I feel that this is a case where anticipatory bail can be granted on the following conditions :

1. The petitioner shall appear before the Investigating Officer within ten days from the date of this order. On such appearance, the Investigating Officer is at liberty to interrogate the petitioner. After such

interrogation, if the Investigating 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 ₹25,000/- (Rupees Twenty thousand only) with two solvent sureties for the like sum to the satisfaction of the officer concerned.

2. If any further presence of the petitioner is necessary, the Investigating Officer shall issue written notice indicating the date and place of appearance. It is also made clear that, if the prosecution files an application under Section 311 A of Cr.P.C., before the concerned Magistrate, the petitioner shall co-operate with the same.

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

Sd/-
K.P.JYOTHINDRANATH, JUDGE

AV

/True Copy/

P.A to Judge