

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

Bail Appl.No. 7812 of 2015

CRIME NO. 1441/2015 OF POOCHAKKAL POLICE STATION , ALAPPUZHA

PETITIONER/Accused No.1

LIJU AGED 27 YEARS
S/O.RAMAKRISHNAN (LATE)CHALIPURATH HOUSE
KOVILAKAMKUNDU , MANJERI, MALAPPURAM DISTRICT

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/State & RESPONDENTS:

1. THE STATE OF KERALA
REP BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM., KOCHI 682031
2. THE SUB INSPECTOR OF POLICE
POOCHAKKAL POLICE STATION, ALAPPUZHA DISTRICT
PIN 688526

R BY PUBLIC PROSECUTOR SMT. LALIZA T.Y.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

BABU MATHEW P. JOSEPH, J.

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B.A. No. 7812 of 2015

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Dated this the 22nd 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 respondents. C.D. produced.

3. The petitioner is the first accused in Crime No.1441 of 2015 of Poochakkal Police Station. The offences alleged are under Sections 384 and 364A read with Section 34 of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He has no criminal antecedents. There were certain financial transactions between the petitioner and the de facto complainant's husband. In order to avoid the liability to return the amount to the petitioner, with the help of

others, this case has been foisted against the petitioner. The investigation of the case has progressed much. The custodial interrogation of the petitioner is not required in this case. He further submits that the petitioner apprehends arrest by the police at any time.

4. Learned Public Prosecutor admits the fact that the investigation of the case has progressed much. He also did not deny the submission of the learned counsel for the petitioner that there were financial transactions between the petitioner and the husband of the de facto complainant. According to him, the custodial interrogation of the petitioner is required as part of investigation. Therefore, if the petitioner surrenders before the Investigating Officer enabling him to interrogate the petitioner, he has no serious objection in granting anticipatory bail to the petitioner. On considering the facts and circumstances of the case, stage of the investigation and the submissions made by the learned Public Prosecutor, 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 31.12.2015. 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.

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True copy

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

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