

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. 8081 of 2015

CRIME NO. 258/1998 OF BEKAL POLICE STATION

PETITIONER/ACCUSED:

RADHAKRISHNA KUDRETHAYA, AGED 60 YEARS
S/O. RAMANNAD KUDRATHAYA, KONAMAJALU, KOILAKETIL FARM
UPPANANGADI, PUDUR TALUK, KASARAGOD.

BY ADVS.SRI.T.SETHUMADHAVAN (SR.)
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR
SMT.VANDANA MENON

RESPONDENT(S):

STATE OF KEALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM (CRIME NO. 258/1998 OF BEKAL POLICE STATION)

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. 8081 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 respondent. C.D. produced.

3. The petitioner is the accused in Crime No.258 of 1998 of Bekel Police Station. The offence alleged is under Section 498A of IPC. Learned counsel for the petitioner submits that the petitioner is innocent of the allegations raised against him. He is aged 60. He has no criminal

antecedents. The investigation of the case was over and the Final Report filed before the court. If the petitioner appears before the lower court, there is every chance of remanding him to judicial custody refusing his bail application, according to the advise received by the petitioner. In such a circumstance, the petitioner has preferred this petition before this Court under Section 438 of Cr.P.C.

4. Learned Public Prosecutor submits that the petitioner was absconding and hence the lower court split up his case and now it is pending as L.P.C.No.28 of 2007. After hearing both the sides and considering the facts and circumstances including the fact that the petitioner is aged 60, this Court is satisfied 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 Judicial First Class Magistrate's Court-II, Hosdurg, on or before 31.12.2015. The petitioner

shall be released on bail on his executing a bond for ₹10,000/- (Rupees ten thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

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 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

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True copy

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

