IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946

BAIL APPL. NO. 3516 OF 2024

CRIME NO.610/2024 OF PALLURUTHY POLICE STATION, ERNAKULAM

PETITIONER/ACCUSED NO.1:

RAHUL K.R,
AGED 25 YEARS
S/O RAJESH, KUZHITHARA HOUSE, SN ROAD, PALLURUTHY,
KOCHI, PIN - 602006
BY ADV SRI.M.H.HANIS

RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
PIN – 682031

BY SR.PP.SMT.NEEMA T.V.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 25th day of July, 2024

The application is filed under Section 438 of the Code of Criminal Procedure, 1973 (in short, 'Code'), for an order of pre-arrest bail.

2. The petitioner is the 1st accused in Crime No.610 of 2024 of the Palluruthy Police Station, Ernakulam, which is registered against him for allegedly committing the offences punishable under Sections 143, 147, 148, 341, 323, 324 and 308 r/w Section 149 of the Indian Penal Code, 1860 (for short 'IPC').

3. When the bail application came up for consideration on 10.07.2024, this Court has passed an interim order by directing the petitioner to surrender before the Investigating Officer within one week from the date of the order and subject himself to interrogation.

4. Heard; Sri.M.H.Hanis, the learned counsel appearing for the petitioner and Smt.Neema T.V, the learned Senior Public Prosecutor.

5. The learned Public Prosecutor, on instructions, submitted that pursuant to the order dated 10.07.2024, the petitioner appeared before the Investigating Officer on 15.07.2024 and his interrogation has been completed. Hence, the interim order dated 10.07.2024 can be made absolute, subject to additional conditions. The said submission is recorded.

In the result, the bail application is allowed by making the interim order dated 10.07.2024 absolute, subject to the following conditions:

(i) The petitioner shall co-operate with the Investigating Officer and make himself available for interrogation as and when directed by the Investigating Officer ;

(ii) The petitioner shall not directly or indirectly make any inducement, threat or procure to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer or tamper with the evidence in any manner, whatsoever;

(iii) The petitioner shall not commit any offence while he is on bail.

(iv) The petitioner shall surrender his passport, if any, before the court below within ten days from today. If he has no passport, he shall file an affidavit to the effect before the court below within 10 days from today;

(v) The petitioner shall not leave India without the permission of the jurisdictional Court;

(vi) In case of violation of any of the conditions above, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any filed, and pass orders on the same, in accordance with law.

(vii) Applications for deletion/modification of the bail conditions shall also be filed before the court below.

(viii) Needless to mention, it would be well within the powers of the Investigating Officer to investigate the matter and, if necessary, to effect recoveries on the information, if any, given by the petitioner even while the petitioner is on bail as laid down by the Hon'ble Supreme Court in ***Sushila Aggarwal v. State(NCT of Delhi) and Anr.*** [2020 (1) KHC 663].

Sd/-
C.S.DIAS
JUDGE

NAB