2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5202 OF 2024

CRIME NO.36/2023 OF ERUMAPETTY POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER,
PALAKKATHODI HOUSE, AMBALAKADAVU,
KAALIKAAVU, MALAPPURAM DISTRICT,
PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE,
DISTRICT CRIME BRANCH, THRISSUR, C BRANCH,
THRISSUR DISTRICT, PIN - 680003

3 THE STATION HOUSE OFFICER,
ERUMAPETTY POLICE STATION,
ERUMAPETTY, THRISSUR DISTRICT,

2024:KER:58969

PIN - 680584

4 SATHEESH O.M
S/O MANI, ODATTU VALAPPIL HOUSE, MANGAD DESOM,
KOTTAPURAM VILLAGE, THRISSUR.

BY ADVS. ASHIK K. MOHAMED ALI
RUKSANA K. ZUBAIR
MUHAMMED RIFA P.M.
EHLAS HALEEMA C.K.
SALMAN FARIS
GAYATHRI ASHISH NAIR

SR PP SMT SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5222/2024, 5226/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5222 OF 2024

CRIME NO.558/2022 OF ERUMAPETTY POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER, PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU, MALAPPURAM DISTRICT,
PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE,
DISTRICT CRIME BRANCH, THRISSUR, C BRANCH, THRISSUR
DISTRICT, PIN - 680003

3 THE STATION HOUSE OFFICER,
ERUMAPETTY POLICE STATION,
ERUMAPETTY, THRISSUR DISTRICT,
PIN - 680584

2024:KER:58969

4 AALIYYU M K ,
S/O KUTTIRAYI, MACHAMBULLY HOUSE, THALI, THRISSUR

BY ADV K.MOHAMMED RAFEEQ
SR PP SMT SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5226 OF 2024

CRIME NO.556/2022 OF ERUMAPETTY POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER, PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU,
MALAPPURAM DISTRICT, PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

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

2 THE ASSISTANT COMMISSIONER OF POLICE
DISTRICT CRIME BRANCH, THRISSUR,
C BRANCH, THRISSUR DISTRICT,
PIN - 680003

3 THE STATION HOUSE OFFICER
ERUMAPETTY POLICE STATION, ERUMAPETTY,
THRISSUR DISTRICT,

2024:KER:58969

PIN - 680584

4 KABEER T M,
S/O MOIDEEN, THOTTUM MOOCHIKKEL HOUSE, THALI,
THRISSUR

BY ADV K.MOHAMMED RAFEEQ

SR PP SMT NEEMA T.V.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5228 OF 2024

CRIME NO.557/2022 OF ERUMAPETTY POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER, PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU,
MALAPPURAM DISTRICT, PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE,
DISTRICT CRIME BRANCH, THRISSUR,
C BRANCH, THRISSUR DISTRICT,
PIN - 680003

3 THE STATION HOUSE OFFICER,
ERUMAPETTY POLICE STATION,

2024:KER:58969

ERUMAPETTY, THRISSUR DISTRICT,
PIN - 680584

4 NOUFAL,
S/O KASSIM, PADIKKAPARAMBIL HOUSE,
THALI, THRISSUR

BY ADV K.MOHAMMED RAFEEQ

SR PP SRI. C. S. HRITHWIK

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5229 OF 2024

CRIME NO.881/2022 OF GURUVAYOOR POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER, PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU,
MALAPPURAM DISTRICT, PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE,
DISTRICT CRIME BRANCH, THRISSUR,
C BRANCH, THRISSUR DISTRICT,
PIN - 680003

3 THE STATION HOUSE OFFICER,
GURUVAYOOR POLICE STATION, GURUVAYOOR,

2024:KER:58969

THRISSUR DISTRICT, PIN - 680101

4 VINEETHA,
W/O SHIBEESH, THAZHISSERY HOUSE,
THAMARAYOOR DESOM, KOTTAPPADI P O, POOKODE VILLAGE,
THRISSUR

BY ADV K.MOHAMMED RAFEEQ

SR PP SRI. C. S. HRITHWIK

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5231 OF 2024

CRIME NO.772/2022 OF GURUVAYOOR POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER,
PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU,
MALAPPURAM DISTRICT,
PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE
DISTRICT CRIME BRANCH, THRISSUR, C BRANCH,
THRISSUR DISTRICT, PIN - 680003

3 THE STATION HOUSE OFFICER,
GURUVAYOOR POLICE STATION, GURUVAYOOR,

2024:KER:58969

THRISSUR DISTRICT, PIN - 680101

SR PP SMT SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5232 OF 2024

CRIME NO.792/2022 OF GURUVAYOOR POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER, PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU, MALAPPURAM DISTRICT,
PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE,
DISTRICT CRIME BRANCH, THRISSUR, C BRANCH,
THRISSUR DISTRICT, PIN - 680003

3 THE STATION HOUSE OFFICER,
GURUVAYOOR POLICE STATION, GURUVAYOOR,
THRISSUR DISTRICT, PIN - 680101



2024:KER:58969

SR PP SMT SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5261 OF 2024

CRIME NO.793/2022 OF GURUVAYOOR POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER, PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU,
MALAPPURAM DISTRICT, PIN - 676525

BY ADVS. P.MOHAMED SABAH
LIBIN STANLEY(K/250/2015)
SAIPOOJA(K/001130/2016)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
BENSON AMBROSE(K/000724/2024)
ALWIN JOSEPH(K/001415/2021)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE,
DISTRICT CRIME BRANCH, THRISSUR, C BRANCH,
THRISSUR DISTRICT, PIN - 680003

3 THE STATION HOUSE OFFICER,
GURUVAYOOR POLICE STATION, GURUVAYOOR,
THRISSUR DISTRICT, PIN - 680101

2024:KER:58969

4 HYDROSE ABOOBACKER,
S/O HYDROSE, VATTAMATHVALIYIL, VAZAHPPILLY, PERAKAM, THRISSUR

BY ADV K.MOHAMMED RAFEEQ
SR PP SMT SEETHA S

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

TUESDAY, THE 6TH DAY OF AUGUST 2024 / 15TH SRAVANA, 1946

BAIL APPL. NO. 5267 OF 2024

CRIME NO.882/2022 OF GURUVAYOOR POLICE STATION, THRISSUR

PETITIONER:

MUHAMMED FAIZAL
AGED 43 YEARS
S/O ABOOBACKER, PALAKKATHODI HOUSE,
AMBALAKADAVU, KAALIKAAVU,
MALAPPURAM DISTRICT, PIN - 676525

BY ADVS. P.MOHAMED SABAH
SAIPOOJA(K/001130/2016)
LIBIN STANLEY(K/250/2015)
SADIK ISMAYIL(K/000238/2014)
R.GAYATHRI(K/249/2014)
M.MAHIN HAMZA(K/000113/2017)
ALWIN JOSEPH(K/001415/2021)
BENSON AMBROSE(K/000724/2024)

RESPONDENTS:

1 STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
PIN - 682031

2 THE ASSISTANT COMMISSIONER OF POLICE,
DISTRICT CRIME BRANCH, THRISSUR, C BRANCH,
THRISSUR DISTRICT, PIN - 680003

3 THE STATION HOUSE OFFICER,
GURUVAYOOR POLICE STATION, GURUVAYOOR,
THRISSUR DISTRICT,, PIN - 680101



2024:KER:58969

4 NISHIDHA,
W/O ABDUL HALEEM, KULANGARA HOUSE, THAMARAYOOR DESOM,
KOTTAPPADI P O, POOKODE, THRISSUR

BY ADV K.MOHAMMED RAFEEQ
SR PP SMT NEEMA T.V.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.08.2024, ALONG WITH BAIL APPL..5202/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

2024:KER:58969

Dated this the 6th day of August, 2024

C O M M O N O R D E R

The applications are filed under Section 439 of the Code of Criminal Procedure, 1973, by the same accused to enlarge him on bail. In B.A.No.5202/2024 the petitioner is the second accused in Crime No.36/2023, in B.A.No.5222/2024 the petitioner is the first accused in Crime No.558/2022, in B.A.No.5226/2024 the petitioner is the second accused in Crime No.556/2022, in B.A.No.5228/2024 the petitioner is the second accused in Crime No.557/2022 all of the Erumapetty Police Station, Thrissur, and in B.A.No.5229/2024 the petitioner is the second accused in Crime No.881/2022, in B.A.No.5231/2024 the petitioner is the first accused in Crime No.772/2022, in B.A.No.5232/2024 the petitioner is the second accused in Crime No.792/2022, in B.A.No.5261/2024 the



petitioner is the second accused in Crime No.793/2022 and in B.A.No.5267/2024 the petitioner is the second accused in Crime No.882/2022 all of the Guruvayur Police Station, Thrissur, which are registered against the petitioner and the other accused for allegedly committing the offences punishable under Sections 406 & 420 of the Indian Penal Code, 1860, and Section 3 read with Section 21 of the Banning of Unregulated Deposit Schemes Act, 2019. The petitioner was arrested and remanded to judicial custody in all the above crimes on 06.06.2024. As the petitioner is the same in all the crimes, the applications were consolidated, jointly heard, and are being disposed of by this common order.

2. The common case of the de-facto complainants in all the above crimes is that: the accused, in furtherance of their common intention, had



induced the de-facto complainants to deposit money in their establishment named “My Club Traders” on the assurance that they would give the de-facto complainants good profit and double their investments. However, even after a year, the accused failed to pay any profit or return the capital. Thus, the accused have committed the above offences.

3. Heard; Sri. P. Mohamed Sabah, the learned counsel appearing for the petitioner, Sri. C. S. Hrithwik, Smt.Neema T.V., and Smt. Seetha S., the learned Senior Public Prosecutors.

4. The learned counsel for the petitioner submitted that the petitioner is totally innocent of the accusations leveled against him in all the above crimes. The petitioner has been in judicial custody for the last 60 days, the investigation in the cases is not complete, the offences alleged against the petitioner are

punishable for a period up to 10 years, and, therefore, the petitioner is entitled to be released on statutory bail in all the crimes, as contemplated under sub-section (2) of Section 167 of the Code. Hence, the applications may be allowed.

5.The learned Public Prosecutors opposed the applications. They submitted that the petitioner is an inveterate offender since he is involved in numerous crimes of various Police Stations for committing serious economic offences. If the petitioner is released on bail, there is every likelihood of him committing similar offences. Hence, the applications may be dismissed. Nonetheless, they did not dispute the fact that the petitioner has been in judicial custody for the last more than 61 days, the offences alleged against the petitioner are all punishable for a period up to 10 years, the investigation in the cases is not complete,



and the final reports have not been laid.

6.The prosecution allegation against the petitioner in all the above crimes is that he, along with the other accused, had induced the de-facto complainants to invest money in their establishment on the assurance to pay high interest. However, the accused failed to pay the interest or return the capital. The fact remains that the petitioner has been in judicial custody for the last more than 61 days, the investigation in the cases is not complete, and the final reports have not been laid. All the offences alleged against the petitioner are punishable for a period of 10 years.

7. 7. Subsection (2) of Section 167 of the Code of Criminal Procedure, 1973 reads as follows:-

> 167. Procedure when investigation cannot be completed in twenty-four hours.—(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be

completed within the period of twenty-four hours fixed by section 57, and there are grounds for believing that the accusation or information is wellfounded, the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of sub-inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that— 2 [(a) the Magistrate may authorise the detention of the accused person, otherwise than in custody of the police, beyond the period of fifteen days, if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding—

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail

if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;]

8. A three-Judge Bench of the Honourable Supreme Court in ***Uday Mohanlal Acharya v. State of Maharashtra*** [(2001) 5 SCC 453], reiterated the legal proposition in ***Sanjay Dutt v.State through C.B.I., Bombay*** (supra). In paragraph 13 (3) it was opined thus:

> "13. x x x x x x (3) On the expiry of the said period of 90 days or 60 days, as the case may be, an indefeasible right accrues in favour of the accused for being released on bail on account of default by the investigating agency in the completion of the investigation within the period prescribed and the accused is entitled to be released on bail, if he is prepared to and furnishes the bail as directed by the Magistrate."
>
> (emphasis added)

9. In the instant cases, as the petitioner has been in judicial custody for the last 61 days, the investigation in the cases is not complete, and the final

reports have not been laid, I am convinced that the petitioner is entitled to be released on statutory bail in all the above crimes, since it is his indefeasible right under Section 167(2) of the Code. Hence, I allow the bail applications.

In the result, the applications are allowed, by directing the petitioner to be released on bail on him executing a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum, to the satisfaction of the court having jurisdiction, which shall be subject to the following conditions:

(i) The petitioner shall appear before the Investigating Officers on every third Saturday between 9 a.m. and 11 a.m till the final reports are laid. He shall appear before the Investigating Officers as and when directed;

(ii) The petitioner shall not directly or indirectly make any inducement or threat to the victim or



her witnesses or to any person acquainted with the facts of the case, so as to dissuade them 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 in the jurisdictional court in Crime No.36/2023 of the Erumapetty Police Station, Thrissur, at the time of execution of the bond. If he has no passport, he shall file an affidavit to the effect before the court below on the date of execution of the bond;

(v) In case of violation of any of the conditions mentioned 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.



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(vi) Applications for deletion/modification of the bail conditions shall be moved and entertained by the court below.

(vii) 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 Another*** [2020 (1) KHC 663].

Sd/-

C.S.DIAS,JUDGE

DST/06.08.24

//True copy//

P.A. To Judge