IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

FRIDAY, THE 26TH DAY OF JULY 2024 / 4TH SRAVANA, 1946

BAIL APPL. NO. 5445 OF 2024

CRIME NO.418/2024 OF MUNNAR POLICE STATION, IDUKKI

PETITIONERS/ACCUSED:

1 AYYADURAI
AGED 50 YEARS
KURUMALA DIVISION, NALLATHANNI ESTATE,
MUNNAR, KDH VILLAGE, IDUKKI, PIN - 685612

2 SUMATHI
AGED 45 YEARS
KURUMALA DIVISION, NALLATHANNI ESTATE,
MUNNAR, KDH VILLAGE, IDUKKI, PIN - 685612

3 VASANTHI
AGED 45 YEARS
KURUMALA DIVISION, NALLATHANNI ESTATE,
MUNNAR, KDH VILLAGE, IDUKKI, PIN - 685612

4 PRABHA
AGED 46 YEARS
KURUMALA DIVISION, NALLATHANNI ESTATE,
MUNNAR, KDH VILLAGE, IDUKKI, PIN - 685612

5 PRABHU
AGED 45 YEARS
KURUMALA DIVISION, NALLATHANNI ESTATE,
MUNNAR, KDH VILLAGE, IDUKKI, PIN - 685612

BY ADVS.
S.JIJI
M.M.BABY

RESPONDENT/STATE:

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

BY SMT NEEMA T V
SENIOR PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26.07.2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Dated this the 26th day of July, 2024

O R D E R

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

2. The petitioners are accused in Crime No.418/2024 of the Munnar Police Station, Idukki, which is registered against the accused for allegedly committing the offences punishable under Sections 143, 144, 147, 148, 294(b), 323, 324 and 452 r/w Section 149 of the Indian Penal Code, 1860(in short, 'IPC').

3. When the bail application came up for consideration on 11.07.2024, this Court passed an interim order, by directing the petitioners to surrender before the Investigating Officer within one week from

the date of order and subject themselves for interrogation.

4. Heard; Smt. S.Jiji, the learned counsel appearing for the petitioners and Smt.Neema T.V., the learned Senior Public Prosecutor.

5. The learned Public Prosecutor, on instructions, submitted that, pursuant to the order dated 11.07.2024 passed by this Court, the petitioners appeared before the Investigating Officer on 15.07.2024 and their interrogation has been completed. Hence, the interim order 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 11.07.2024 absolute, subject to the following conditions:

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

(ii) The petitioners 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 petitioners shall not commit any offence while they are on bail;

(iv) The petitioners shall surrender their passports, if any, before the court below within ten days from today. If they have no passports, they shall file affidavits to the effect before the court below within 10 days from today;

(v) The petitioners 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 petitioners even while the petitioners are 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

mtk/26.07.2024