

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 28TH DECEMBER 2007 / 7TH POUSHA 1929

Bail Appl..No. 7909 OF 2007()

(CRIME NO.39/1997 OF MUKKOM POLICE STATION)

PETITIONER/ACCUSED:

**BEERANKUTTY CHERUKULATHIL,
PULPARAMBIL HOUSE, P.O.KODIYATHUR,
MUKKOM, KOZHIKODE DISTRICT.**

BY ADV. SMT.T.V.NEEMA

RESPONDENT/ COMPLAINANT:

**STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (REPRESENTING THE S.I. OF POLICE,
MUKKOM POLICE STATION).**

BY PUBLIC PROSECUTOR, SRI.K.S.SIVAKUMAR.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 28/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

V.K. MOHANAN, J.

Bail Application No.7909 of 2007

Dated this the 28th day of December,2007.

O R D E R

This is a Petition filed under Sec. 438 Cr.P.C. The allegation against the petitioner is that he had committed the offences punishable under Sections 466, 420 and 477A I.P.C read with Section 12 of the Passports Act.

2. I have heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. The counsel for the petitioner submitted that he had already a passport and it is valid upto 2015. It is also pointed out that according to the counsel for the petitioner, while submitting the application for obtaining passport the petitioner was in Gulf and thus the counsel for the petitioner submitted that he is in no way involved in the allegations contained in the above crime.

4. The learned Public Prosecutor submitted that after investigation in Crime No.39/1997 of Mukkan Police Station, in which the petitioner is an accused, final report has already been filed.

5. In the above circumstances, it appears to me that the custody of the petitioner is not warranted and therefore, this application is only to be allowed.

In the result, a direction is issued to the officer-in-charge of the Mukkom Police Station that in the event of arrest of the petitioner connected with Crime No.39/1997, he shall be released on bail for a period of one month, on his executing a bond for Rs.25,000/- (Rupees twenty-five thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.
3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.
4. Petitioner shall not commit any offence while on bail.

5. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.K.MOHANAN, JUDGE

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