

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE V.RAMKUMAR**

**FRIDAY, THE 30TH SEPTEMBER 2011 / 8TH ASWINA 1933**

**Bail Appl..No. 7144 of 2011()**

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(CRIME NO.491/2011 OF CHENGANNUR POLICE STATION,  
ALAPPUZHA DISTRICT)**

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**PETITIONER/2ND ACCUSED:**

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**ANITHA SANU, AGED 40 YEARS,  
W/O.SANU SREEDHAR, MUHANGATTIL SANTHI BHAVAN,  
NEDUVARAMKODU P.O., THURUTHIMEL,  
CHERIYANAD VILLAGE, CHENGANNUR TALUK.**

**BY ADV. SRI.N.ASHOK KUMAR**

**RESPONDENT(S): COMPLAINANT:**

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**STATE OF KERALA, REPRESENTED BY  
SUB INSPECTOR OF POLICE, CHENGANNUR POLICE  
STATION, ALAPPUZHA DISTRICT, THROUGH THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI.V.MANU**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 30/09/2011, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:**

**SVS**

**V. RAMKUMAR, J.**

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**Bail Application No. 7144 of 2011**

.....

**Dated this the 30<sup>th</sup> day of September, 2011**

**ORDER**

Petitioner who is the 2<sup>nd</sup> accused in Crime No. 491/2011 of Chengannur Police Station, Alappuzha District for offences punishable under Section 420 read with 34 I.P.C., seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. After evaluating the factors and parameters which are to be taken into consideration under paragraph 112 of the verdict of the Apex Court in **Siddharam Satlingappa Mhetre v. State of Maharashtra and Others (2011) 1 SCC 694,** I am of the view that anticipatory bail cannot be granted in a case of this nature, since the investigating officer has not had the advantage of interrogating the petitioner. Accordingly, the petitioner is directed to surrender before the investigating officer on **13.10.2011 or on 14.10.2011** for the purpose of interrogation and recovery of incriminating material, if any. In case the petitioner is arrested by the Investigating Officer before interrogation, he shall thereafter be produced before the Magistrate or the Court concerned and

permitted to file an application for regular bail. In case the interrogation of the petitioner is without arresting him, the petitioner shall thereafter appear before the Magistrate or the Court concerned **on the same day or on the next day and apply for regular bail.** The Magistrate or the Court on being satisfied that the petitioner has been interrogated by the police shall, after hearing the prosecution as well, release the petitioner on bail.

4. In case the petitioner while surrendering before the Investigating Officer has deprived the investigating officer sufficient time for interrogation, the officer shall complete the interrogation even if it is beyond the time limit fixed as above and submit a report to that effect to the Magistrate or the Court concerned. Likewise, the Magistrate or the Court also will not be bound by the time limit fixed as above if sufficient time was not available after the production or appearance of the petitioner .

5. The release of the petitioner shall be on the petitioner executing a bond for Rs.15,000/- (Rupees fifteen thousand only) with two solvent sureties each for the like amount to the satisfaction of the Court concerned 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 till the filing of the final report.*

*2. Petitioner shall not directly or indirectly make any inducement, threat or promise to any person who is acquainted with the facts of the case so as to dissuade him or her from disclosing any information to the Court or to the police or to any other person in authority.*

*3. Petitioner shall make himself available for interrogation as and when required by the police at any time till the filing of the final report.*

*4. Petitioner shall not establish any contact with any of the witnesses or accused in the case.*

*5. Petitioner shall not influence or intimidate the prosecution witnesses or the victims nor shall he attempt to tamper with the evidence for the prosecution.*

*6. Petitioner shall not commit any offence while on bail.*

*7. Petitioner shall notify to the Court their place of residence before executing the bail bond.*

*8. In case the petitioner commits breach of the above conditions, the bail granted to the petitioner shall be liable to be cancelled.*

This petition is disposed of as above.

Dated this the 30<sup>th</sup> day of September, 2011.

**V.RAMKUMAR, JUDGE**

dnc