

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

WEDNESDAY, THE 30TH DAY OF NOVEMBER 2016/9TH AGRAHAYANA, 1938

Bail Appl..No. 6912 of 2016 ()

CRIME NO. 424/2016 OF KALIYAR POLICE STATION , IDUKKI DISTRICT

PETITIONER/ACCUSED NO. 2.:

**PRINCE PAULOSE,
AGED 34, S/O. PAULOSE,
THENGUMTHETTAYIL HOUSE,
MULLARINGADU P.O., PIN- 685 607**

**BY ADVS.SRI.C.P.JDAYABHANU
SMT.T.S.SREEKUTTY
SMT.K.S.ANISHA
SMT.NEETHU RAVIKUMAR**

RESPONDENT/COMPLAINANT.:

**STATE OF KERALA,
REPRESENTED BY THE S.I OF POLICE (CRIME NO. 424/16)
KALIYAR POLICE STATION, IDUKKI,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM-682 031**

BY PUBLIC PROSECUTOR SRI.SAJJU.S.

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 30-11-2016, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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P.UBAID, J.

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B.A.No.6912 of 2016

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Dated this the 30th day of November, 2016

ORDER

The petitioner herein seeks pre-arrest bail under Section 438 of the Code of Criminal Procedure on the apprehension of arrest and custodial harassment in connection with Crime No.424 of 2016 of the Kaliyar Police Station, registered under Sections 120(B) and 436 of the Indian Penal Code. He is the second accused in the crime.

2. The prosecution case is that at about 11.00p.m. on 14.9.2016, this petitioner and the first accused set fire to the shop of the defacto complainant, and thus caused a loss of Rs.15,000/-. Nobody had in fact seen the actual incident. However, during investigation, the police identified the first accused on the basis of CC TV camera images. Such things are not there as against the petitioner herein. The police report shows that he was arraigned as the second accused only on the basis of the

statements given by the other accused. That apart the prosecution does not have any material now against the petitioner. In the above circumstances where the prosecution does not have any definite material now to implicate or to identify him as the crime partner of the first accused, I feel it appropriate to grant him bail on conditions.

In the result, this petition for pre arrest bail is allowed. The petitioner is ordered to be released on bail on his executing a bond with two solvent sureties for ₹40,000/- (Rupees Forty Thousand only) each to the satisfaction of the arresting officer or the learned Magistrate having jurisdiction, in case of his arrest in connection with Crime No.424 of 2016 of the Kaliyar Police Station. Bail is granted on condition that;

a) The petitioner shall report before the investigating officer between 10 a.m. and 11 a.m. on all Tuesdays for a period of two months.

b) The petitioner shall not leave the limits of the the Kaliyar Police Station for a period of two months.

c) The petitioner shall not in any manner influence or intimidate the material witnesses, or he shall not have any contact with the material witnesses directly or over telephone or otherwise.

Sd/-
P.UBAID, JUDGE

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P.A. to Judge