

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

WEDNESDAY, THE 31ST DAY OF AUGUST 2022 / 9TH BHADRA, 1944

BAIL APPL. NO. 6195 OF 2022

CRIME NO.58/2016 OF KOTHAMANGALAM POLICE STATION,
ERNAKULAM

PETITIONER/2ND ACCUSED:

SIVARAJAN
AGED 54 YEARS, THATTAMPARAMBIL HOUSE,
KOTHAMANGALAM P.O., THANGALAM, ERNAKULAM
DISTRICT, PIN - 686691
BY ADVS.
S.JIJI
A.R.ANI

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031
- 2 THE POLICE SUPERINTENDENT
NARCOTIC CELL, ALUVA.
(INVESTIGATING OFFICER IN CRIME NO. 58/2016
OF KOTHAMANGALAM POLICE STATION), PIN - 683101

BY ADV
SMT.SEETHA.S - SR.PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 31.08.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

VIJU ABRAHAM, J.

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B.A. No.6195 of 2022

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Dated this the 31st day of August, 2022

ORDER

This is an application for Anticipatory Bail.

2. The petitioner is the 2nd accused in Crime No.58/2016 of Kothamangalam Police Station, Ernakulam alleging commission of offences punishable under Sections 420, 465, 468 and 471 r/w Section 34 of the IPC.

3. The prosecution case is that, the 1st accused with the aid and help of the petitioner herein, forged the signature of one Binu P. Mathew who is the father of the de-facto complainant herein and caused to transfer two vehicles into the name of the 1st accused in this crime and thereby committed the aforesaid offences.

4. The learned counsel for the petitioner submitted that the petitioner is falsely implicated in the above said crime and originally the crime was only registered against the 1st accused and the petitioner herein was not named in the F.I.R. and the crime was referred as undetected by the police vide report dated

04.06.2016 by the then investigating officer. It seems that the crime is being re-investigated by the 2nd respondent, therefore, the petitioner apprehend arrest. It is further submitted that the 1st accused is already granted bail by this Court as per Anx.A2-order.

5. The learned Public Prosecutor opposed the application for bail mainly contending that, it is true that the refer report was filed earlier but after obtaining the FSL report as per the directions of the Superintendent of Police, Ernakulam Rural, the case was re-opened.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am inclined to grant bail to the petitioner subject to stringent conditions. In the result, this application is allowed. It is directed that the petitioner shall surrender before the investigating officer on 06.09.2022, at 11 a.m. and shall make himself available for interrogation on that day or any other day/days as directed by the investigating officer in the event of arrest of the petitioner in Crime No.58/2016 of Kothamangalam Police Station, Ernakulam, the petitioner shall be produced before the jurisdictional

magistrate on the same day and shall be released on bail, subject to the following conditions:-

- (i) Petitioner shall execute bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court ;
- (ii) Petitioner shall appear before the investigating officer in Crime No.58/2016 of Kothamangalam Police Station, Ernakulam as and when summoned to do so;
- (iii) Petitioner shall not attempt to interfere with the investigation or to influence or intimidate any witness in Crime No.58/2016 of Kothamangalam Police Station, Ernakulam ;
- (iv) Petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the investigating officer in Crime No.58/2016 of Kothamangalam Police Station, Ernakulam may file an application before the jurisdictional Court, for cancellation of bail.

It is made clear that it is within the power of the police to investigate the matter and if necessary to effect recoveries on the information if any given by the petitioner, even when the petitioner is on bail as per the judgment of the Apex Court in **Sushila Aggarwal and others v. State(NCT of Delhi) and another(2020(1)KHC 663).**

Sd/-

**VIJU ABRAHAM,
JUDGE**

ded/31.08.2022