

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.S.DIAS

WEDNESDAY, THE 29TH DAY OF APRIL, 2020/9TH VAISAKHA, 1942

B.A TMP NO. 197 OF 2020
[Crime No 685/2019 before the Parassala Police Station,
Thiruvananthapuram District]

PETITIONERS/ ACCUSED 2 & 4:

- 1.Sivarama Ayyappa Chandran,S/o.Madhavan Pillai,
Sivaguru Sadanam, Nadoorkolla, Amaravila P.O.,
Neyyattinkara,Trivandrum-695122.
- 2.Sathyadas, S/o.Chellayyan, Anil Bhavan, Karakkattu
Puthuval,
Chenkal(Part), Amaravila P.O.,
Neyyattinkara,Trivandrum-695122.

By Adv.Arul Muraleedharan

RESPONDENTS/DEFACTO COMPLAINANT AND STATE

- 1.The State of Kerala represented by
The Public Prosecutor
High Court of Kerala, Trivandrum.
- 2.The Inspector of Police, Parassala Police Station
Parassala, Thiruvananthapuram District 695502.

BY PUBLIC PROSECUTOR SRI.E.C. BINEESH

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
29.04.2020, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER

This is an application for pre-arrest bail filed under Section 438 of the Code of Criminal Procedure.

2. The petitioners are accused 2 and 4 in Crime No.685 of 2019 of the Parassala Police Station. The petitioners along with other accused are alleged to have committed the offences punishable under Sections 406, 420, 468, 471 read with 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that: the accused, in furtherance of a common intention, fabricated false documents and produced the same before the Court of Munsiff, Thiruvananthapuram, in a case filed by the defacto complainant. Thus, the petitioners have committed the above offences.

4. Heard the learned counsel for the petitioners and the learned Public Prosecutor via video-conferencing.

5. The learned counsel for the petitioners argued that the petitioners are absolutely innocent of the allegations levelled against them. The first accused is the kingpin of the crime. First accused has been granted bail by this Court in

B.A. No.5803 of 2019, and he was enlarged on bail on 25.2.2020. Investigation in the crime is practically complete. Custodial interrogation of the accused is not necessary. Hence, the petitioners may be enlarged on bail.

6. The learned Public Prosecutor, on instructions, submitted that it is a fact that first accused was granted bail by this Court. Petitioners have only subscribed their signature as witnesses to the documents that were fabricated by the first accused. Custodial interrogation of the petitioners are not necessary. Stringent conditions may be imposed, if the petitioners are enlarged on bail.

7. On a cumulative appreciation of the facts and circumstances of the case, particularly considering the fact that the petitioners are only witnesses to the alleged fabricated document; that the petitioners' custodial interrogation is not necessary; that investigation in the case is practically completed and that the first accused has already been granted bail by this Court in B.A. No.5803 of 2019, I am convinced that this is a fit case to grant the petitioners an order of pre-arrest bail as provided under Section 438 of Code of Criminal Procedure.

8. In the result, this bail application is allowed. The petitioners shall surrender before the Investigating Officer on or before 08.05.2020. Upon their surrender, they shall be released on bail by the Investigating Officer, subject to the following conditions:-

(i) The petitioners shall be released on bail, on executing a bond for a sum of Rs.1,00,000/- (Rupees one lakh only) each, with two solvent sureties for the likesum, in the event of the arrest by the Police in connection with the crime.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer, as and when required by him. The petitioners shall also cooperate with the investigation of the case.

(iii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the

Court or any Police Officer or tamper with the evidence.

(iv) The petitioners shall not commit any offence while on bail.

(vi) Needless to mention that, if the petitioners violate any of the above conditions, the Investigating Officer shall be at liberty to move the jurisdictional Court and file appropriate application seeking cancellation of this bail order .

With the above observations, this Bail Application is allowed.

C.S.DIAS, JUDGE

sou.