

Manikandan.C vs State of Kerala

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Court : Kerala

Decided On : Feb-29-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./729/2024

Appellant : Manikandan.C

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS THURSDAY, THE 29TH DAY OF FEBRUARY 2024 / 10TH PHALGUNA, BAIL APPL. NO. 729 OF 2024 CRIME NO.1091/2023 OF KUMILY POLICE STATION, IDUKKI AGAINST THE ORDER IN DATED IN OS NO.20 OF 2024 OF MUNSIFF COURT, PEERUMEDU PETITIONERS : 1 MANIKANDAN.C AGED 31 YEARS S/O. CHURALI ESTATE QUARTERS, CONNEMARA ESTATE, CHOTTUPARA, PERIYAR, IDUKKI, PIN - 685533 2 RAJAKUMARI.C AGED 29 YEARS W/O MANIKANDAN C, CHOTTUPARA ESTATE, CHOTTUPARA, KUMILY, VANDIPERIYAR, PERIYAR, IDUKKI, PIN - 685533 BY ADVS. AJMAL P. KADIJA JASMINE AKSHAYA S.NAIR RESPONDENT: STATE OF KERALA THROUGH THE STATION HOUSE OFFICER, KUMALI

POLICE STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, PIN - 682031

BY SR PP SRI C S HRITHWIK THIS BAIL APPLICATION HAVING COME UP
FOR ADMISSION ON 29.02.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: -:2:- Dated this the 29th day of February,2024

ORDER

The application is filed under Section 438 of the Code of Criminal Procedure,1973,
for an order of pre- arrest bail.

2. The petitioners are the accused in Crime

No.1091/2023 of the Kumily Police Station, Idukki, registered against them for
allegedly committing the offences punishable under Sections 448 and 379 r/w.
Sec.34 of the Indian Penal Code, 1860.

3. When the bail application came up for

consideration on 08.02.2024, this Court passed an interim order, by directing the
petitioners to surrender before the Investigating Officer within seven days from the
date of order and subject themselves for interrogation.

4. Heard; Sri.Ajmal Pullaniyil, the learned counsel -:3:- appearing for the
petitioners and Sri.C.S.Hrithwik, the learned Public Prosecutor.

5. Today, when the bail application was taken up

for hearing, the learned Public Prosecutor submitted that the petitioners had
appeared before the Investigating Officer and their interrogation was completed on
11.2.2024. The petitioners further presence is not required. Hence, the interim
order can be made absolute, subject to additional conditions. The said submission
is recorded. Resultantly, the bail application is disposed of by making the interim
order dated 08.02.2024 absolute, subject to the following conditions:

(i) The petitioners shall co-operate with the investigation and make themselves available for interrogation and for the purpose of investigation as and when the Investigating Officer directs;

(ii) The petitioners shall not intimidate witnesses or -:4:- interfere with the investigation in any manner;

(iii) The petitioners shall not get involved in any other offence while on bail.

(iv) The petitioners shall not leave India without the permission of the jurisdictional Court;

(v) In case of violation of any of the conditions

above, the jurisdictional Court shall be empowered to consider the application for cancellation of bail, if any filed, and pass orders on the same, in accordance with law.

(vi) Applications for deletion/modification of the bail conditions shall also be filed before the court below.

(vii) Needless to mention, it would be well within

the powers of the Investigating Officer to investigate the matter and, if necessary, to effect recoveries on the information, if any, given by the petitioners even while the petitioners are on bail as laid down by the Hon'ble Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)* -:5:-

and another [2020 (1) KHC 663]. Sd/- C.S.DIAS,JUDGE mtk/29.02.24 -:6:-
APPENDIX OF BAIL APPL. 729/2024 PETITIONER ANNEXURES ANNEXURE A1 TRUE COPY OF THE F.I.R NO.1091 OF 2023, DT.08-12-2023. ANNEXURE A2 TRUE COPY OF THE NOTICE OF TERMINATION DATED 19-01-2022. ANNEXURE A3 TRUE COPY OF THE PETITION. ANNEXURE A4 TRUE COPY OF THE ACKNOWLEDGEMENT RECEIPT DT.11-05-2023 OF THE PETITION. ANNEXURE A5 TRUE COPY OF THE O.S NO.20 OF 2024 BEFORE THE MUNSIF COURT.