

Rajeev Kumar, vs State of Kerala,

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Court : Kerala

Decided On : Mar-06-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./1121/2024

Appellant : Rajeev Kumar,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS WEDNESDAY,
THE 6TH DAY OF MARCH 2024 / 16TH PHALGUNA, 1945 BAIL APPL.
NO. 1121 OF 2024 CRIME NO.722/2023 OF AROOR POLICE
STATION, ALAPPUZHA AGAINST THE ORDER/JUDGMENT DATED
11.12.2023 IN CRMP NO.6064 OF 2023 OF DISTRICT & SESSIONS
COURT, ALAPPUZHA PETITIONER/ACCUSED: RAJEEV KUMAR,
AGED 43 YEARS SHIVAPRIYA,PALLARIMANGALAM (P.O),
MAVELIKKARA,ALAPPUZHA, PIN - 69010 BY ADVS. CIMIL CHERIAN
KOTTALIL MINTU CHERIYAN

RESPONDENT: STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA, PIN - 682031 OTHER PRESENT:

PUBLIC PROSECUTOR SMT SHYNIMOLE V O THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:- Dated this the 6th day of March, 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 petitioner is the second accused in Crime

No.722/2023 of the Aroor Police Station, Alappuzha, registered against the accused for allegedly committing the offences punishable under Sections 406, 420 r/w. 34 of the Indian Penal Code and Sections 24(1)(b) and 24(1) (g) of the Emigration Act, 1983.

3. When the bail application came up for

consideration on 15.02.2024, this Court passed an interim order, by directing the petitioner to surrender before the Investigating Officer within seven days from the date of order and subject himself for interrogation. -:3:-

4. Heard; Sri.Cimil, the learned Counsel appearing for the petitioner and Smt.Shynimol V.O, the learned Public Prosecutor.

5. Today, when the bail application was taken up

for hearing, the learned Public Prosecutor submitted that the petitioner had appeared before the Investigating Officer and his interrogation was completed on 21.2.2024. 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 15.02.2024 absolute, subject to the following conditions:

(i) The petitioner shall co-operate with the investigation and make himself available for interrogation and for the purpose of investigation as and when the Investigating

Officer directs; -:4:-

(ii) The petitioner shall not intimidate witnesses or interfere with the investigation in any manner;

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

(iv) The petitioner 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 petitioner even while the petitioner is on bail -:5:- as laid down by the Hon'ble Supreme Court in *Sushila Aggarwal v. State (NCT of Delhi)* and another [2020 (1) KHC 663]. SD/- C.S.DIAS, JUDGE rmm/6/3.2024

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