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Rajesh Kumar , vs State of Kerala,

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Court : Kerala

Decided On : May-31-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./1593/2024

Appellant : Rajesh Kumar ,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS FRIDAY, THE 31ST DAY OF MAY 2024 / 10TH JYAISHTA, 1946 BAIL APPL. NO. 1593 OF 2024 CRIME NO.74/2024 OF UDUMBANCHOLA POLICE STATION, IDUKKI PETITIONERS:

1 RAJESH KUMAR , AGED 22 YEARS S/O BOTH RAJ, PARACKAL HOUSE, 2 KUMAR, S/O NAGARAJ,LAKHAM VEEDU COLONY, 3 ANEESH, S/O ANDAVAR,SINGATHARAYIL HOUSE, 4 ARAVIND S. AGED 22 YEARS S/O SARAVANAN, AGED 22 YEARS, ARAVIND VILASOM, PARATHODU, UDUMBANCHOLA P.O., IDUKKI DISTRICT, PIN - 685554 5 YOGESWERAN, AGED 19 YEARS S/O

CHURULINATHAN,KANIKA HOUSE, 6 HARIHARAN, S/O GANESAN, KATTUPARAMBIL HOUSE, KAILASANADU KARA, BY ADV LATHEESH SEBASTIAN

RESPONDENTS: STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 OTHER PRESENT: SR PP SMT SEETHA S THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -:2:- Dated this the 31st day of May, 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.74/2024 of the Udumbanchola Police Station, Idukki, registered against them for allegedly committing the offences punishable under Sections 394(b), 324 & 341 read with Section 34 of the Indian Penal Code, 1860.

3. When the bail application came up for

consideration on 16.04.2024 this Court passed an interim order, by directing the petitioners to surrender before the Investigating Officer and subject themselves to interrogation.

4. Heard; Sri. Latheesh Sebastian, the learned -:3:- counsel appearing for the petitioners and Smt. Seetha S., the learned Senior Public Prosecutor.

5. The learned Public Prosecutor, on instructions,

submitted that, pursuant to the order dated 16.04.2024 passed by this Court, the petitioners appeared before the Investigating Officer on 30.05.2024 and their interrogation has been completed. 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 16.04.2024 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 interfere with the investigation in any manner; -:4:- (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) and Anr. [2020 (1) KHC

-:5:- 663]. Sd/- C.S.DIAS,JUDGE DST/31.05.24 //True copy// P.A. To Judge

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