

Jishnu Radhakrishnan, vs State of Kerala,

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Court : Kerala

Decided On : Feb-12-2024

Judge : Honourable Mr.Justice C.S.Dias

Appeal No. : Bail Appl./10351/2023

Appellant : Jishnu Radhakrishnan,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE C.S.DIAS MONDAY, THE 12TH DAY OF FEBRUARY 2024 / 23RD MAGHA, 1945 BAIL APPL. NO. 10351 OF 2023 CRIME NO.1081/2023 OF KULATHUPUZHA POLICE STATION, KOLLAM PETITIONERS:

1 JISHNU RADHAKRISHNAN, AGED 24 YEARS
S/ORADHAKRISHNAN, BLOCK NO 43 ESM COLONY,
KULATHUPUZHA,KOLLAM RURAL, PUNALURTALUK,KOLLAM
DISTRICT, PIN - 691310 2 ATHIRA RADHAKRISHNAN, AGED 23
YEARS . D/O RADHAKRISHNAN, BLOCK NO 43 ESM COLONY,
KULATHUPUZHA,KOLLAM RURAL, PUNALURTALUK,KOLLAM

DISTRICT, PIN - 691310 3 VIJAYAMMA, AGED 50 YEARS W/O RADHAKRISHNAN, BLOCK NO 43 ESM COLONY, KULATHUPUZHA, KOLLAM RURAL, PUNALURTALUK, KOLLAM DISTRICT, PIN - 691310

BY ADV NAHAS H. RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031 2 BASIL BABU, S/O.SABU, KUZHIYAKKUDI VEEDU, KADAVOOR P.O, KADAVOOR VILLAGE, ERNAKULAM, PIN: 686671, NOW RESIDING AT KLD BOARD -:2:- E2 QUARTERS, QUARTERS NO.E2, ESM COLONY, KULATHUPUZHA, KOLLAM RURAL IS IMPLEADED AS ADDITIONAL RESPONDENT 2 AS PER ORDER DATED 15-12- 23 IN CRL MA 2/23

BY ADVS. PRATHEESH.P ANJANA KANNATH OTHER PRESENT: PP SMT SHYNI V O THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: - :3:- Dated this the 12th 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.1081/2023 of Kulathupuzha Police Station, Kollam, registered against them for allegedly committing the offences punishable under Sections 406, 420 & 34 of the Indian Penal Code, 1860, and Sections 10, 24 & 26 of the Emigration Act, 1983.

3. When the bail application came up for

consideration on 23.01.2024, 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.

4. Heard; Sri. Nahas H., the learned counsel

-:4:- appearing for the petitioners; Smt.Seetha S., the learned Senior Public Prosecutor appearing for the first respondent and Sri. Pratheesh.P, the learned counsel appearing for the additional respondents 2 & 3.

5. The learned Public Prosecutor, on

instructions, submitted that, pursuant to the order

dated 23.01.2024 passed by this Court, the petitioners appeared before the Investigating Officer on 27.01.2024 and their interrogation has completed. 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 23.01.2024 absolute, subject to the following conditions:

(i) The petitioners shall co-operate with the investigation and make themselves available for -:5:- 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;

(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. Sd/- C.S.DIAS, JUDGE
mtk/12.02.24 .24 / -:6:- APPENDIX OF BAIL APPL. 10351/2023 PETITIONER

ANNEXURES ANNEXURE A1 THE TRUE COPY OF THE FIR DATED
ANNEXURE A2 THE TRUE COPY OF THE FIRST PETITIONERS VISA.
ANNEXURE A3 THE TRUE COPY OF THE MAIL SEND TO THE EMIGRATION
ANNEXURE A4 THE TRUE COPY OF THE BANK STATEMENT OF THE
SECOND PETITIONER. ANNEXURE A5 THE TRUE COPY OF THE
COMPLAINANT'S VISA ANNEXURE A6 THE TRUE COPY OF THE
COMPLAINANT'S FATHER'S VISA

ANNEXURE A7 THE TRUE COPY OF THE TICKET ANNEXURE A8

COMPLAINT ANNEXURE A10 THE TRUE COPY OF THE ENGAGEMENT CARD
OF THE SECOND PETITIONER

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