

K.K.Jayaraj vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2022

Judge : Honourable Mr. Justice Sunil Thomas

Appeal No. : Bail Appl./1594/2022

Appellant : K.K.Jayaraj

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SUNIL THOMAS
MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA,
1943 (V.C.NO.1/2022 OF VACB. ALAPPUZHA)
PETITIONER/ACCUSED: K.K.JAYARAJ AGED 55 YEARS,
S/O.T.KESHAVAN ACHARI, KAMALA NIVAS, CHUMATHRA.P.O.,
THIRUVALLA, PATHANAMTHITTA, PIN - 689103. BY ADVS.
A.RAJASIMHAN JACOB CHACKO VYKHARI.K.U K.KAVYA MOHAN
RESPONDENTS/STATE: STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR HIGH COURT, ERNAKULAM, PIN -
682031 SR.GP REKHA .S THIS BAIL APPLICATION HAVING COME
UP FOR ADMISSION ON 28.02.2022, THE COURT ON THE SAME

DAY DELIVERED THE FOLLOWING:

ORDER

The petitioner herein is the accused in VC.No.1/2022 of VACB, Alappuzha, for offence punishable under Section 7(a) of the Prevention of Corruption Act.

2. The crux of the prosecution allegation is that, the petitioner, who was the Revenue Inspector in Municipal Office, Alappuzha demanded and accepted a

bribe of Rs.500/- (Rupees five hundred only) on 05.02.2022 and demanded a further sum of Rs.2000/- (Rupees two thousand only) on 09.02.2022 from the defacto complainant, for changing the ownership of the residential building No.1/89 to his wifes name. The defacto complainant laid a complaint to the Vigilance and in the course of allegedly accepting a sum of Rs.2000/- (Rupees two thousand only) from the defacto complainant as bribe on 09.02.2022 at 3.20 pm at the Municipal Office, Alappuzha, the petitioner was arrested. After initial informalities, he was produced before the Magistrate on 10.02.2022 and was remanded. His bail application was rejected by the Enquiry Commissioner and Special Judge, Kottayam by order dated 17.02.2022 in CrI.M.P.6/2022. Seeking bail, the petitioner has approached this court.

3. Heard the learned counsel for the petitioner and the learned Senior Government Pleader.

4. Opposing the application, the learned senior Government Pleader placed before me a statement which disclosed that the investigation of the case is in preliminary stage. Many witnesses are to be questioned and lot of reliable documents are to be seized. An apprehension was also raised by the learned senior Government Pleader that if the petitioner is released on bail, he is likely to influence the witnesses. The learned senior Government Pleader further submitted that there is a chance that the petitioner may flee from justice.

5. Learned counsel for the petitioner seeking bail

submitted that the petitioner is a handicapped person that the substantial part of the investigation is over with search, seizure and arrest and that the petitioner has an unblemished record of service. It was also submitted that the petitioner is in the verge of his retirement.

6. It seems that the substantial part of the

investigation is over with the trap and the successful completion of the trap proceedings. The crucial witnesses seems to have been questioned and their statements recorded. Having considered these facts, I find that at this length of time the petitioner can be granted bail on the following conditions:

1. The petitioner shall execute a bond for a sum of Rs.60,000/- (Rupees sixty thousand only) with two sureties for the like sum each to the satisfaction of the court below.

2. He shall co-operate with the investigation and shall appear before the investigating officer as and when called for.

3. He shall not in any manner attempt to threaten,

coerce, or influence the witnesses. Bail application is allowed. sd/- SUNIL THOMAS, JUDGE R.AV APPENDIX OF BAIL APPL. 1594/2022 PETITIONER ANNEXURES AnnexureA1 TRUE COPY OF THE REMAND APPLICATION DATED 10-2-2022. AnnexureA2 TRUE COPY OF THE ORDER DATED 17-2-2022 IN CRL.MP NO. 6/2022 OF THE COURT OF ENQUIRY COMMISSIONER & SPECIAL JUDGE, KOTTAYAM

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