

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

FRIDAY, THE 2ND DAY OF DECEMBER 2022 / 11TH AGRAHAYANA, 1944

BAIL APPL. NO. 8768 OF 2022

Crime No.7/2022 of Agatti Police Station, Union Territory of
Lakshadweep

PETITIONER/ACCUSED:

ZACHARIA.K
AGED 54 YEARS
S/O VEERANKUTTY.K, KIZHAKKETHIL HOUSE,
KAKOOTH, PERINTHALMANNA
MALAPPURAM, PIN - 679322
BY ADVS.
R.ROHITH
HARISHMA P. THAMPI

RESPONDENT/STATE:

U.T.ADMINISTRATION OF LAKSHADWEEP
REPRESENTED BY THE STANDING COUNSEL,
HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

BY ADV Sajith Kumar V.

THIS BAIL APPLICATION HAVING COME UP FOR
ADMISSION ON 02.12.2022, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

VIJU ABRAHAM, J.

B.A. No.8768 of 2022

Dated this the 2nd day of December, 2022

ORDER

This is an application for anticipatory bail.

2. The petitioner is accused No.2 in Crime No.7/2022 of Agatti Police Station, Union Territory of Lakshadweep, alleging commission of offences punishable under Sections 465, 420, 409, 477-A, 417 and 120-B of the Indian Penal Code and Section 14 of Lakshadweep Minicoy and Aminidive Island Restriction on Entry and Resident Rule, 1967.

3. The prosecution allegation is that, the accused permitted two persons to get entry permit, in the guise of being employees of a firm and executed an agreement with the administration, as is evident from Annexure A2 and later it was found that these two persons who have given permit, are not connected with the firm and thus the accused have committed the aforesaid offences.

4 .The learned counsel for the petitioner submitted that he is only an employee of the firm which entered into an agreement with the Lakshadweep administration. It is also submitted that the 1st accused is already granted bail by the Sessions Court, Kavarati in

Crl. M. P. No.94/2022. It is further submitted that the petitioner has no other criminal antecedents.

5. The learned Standing Counsel though seriously opposed the application for bail contending that the petitioner has an active role in the commission of the offence, but submitted that he is not involved in any other crime.

6. Having regard to the facts and circumstances of the case and considering the nature of the allegations, I am of the opinion that custodial interrogation of the petitioner may not be required for the purpose of investigation and only a limited custody be granted for the said purpose. Therefore, I am inclined to grant bail to the petitioner subject to stringent conditions. In the result, this application is allowed. It is directed that the petitioner shall surrender before the investigating officer on 20.12.2022, at 11 a.m, and subject himself for interrogation on that day and on any other day/days as directed by the investigating officer. The petitioner shall co-operate with the investigation. In the event of arrest in Crime No.7/2022 of Agatti Police Station, Union Territory of Lakshadweep, he shall be produced before the jurisdictional Court on the very same day and shall be released on bail, subject to the following conditions:-

(i) Petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like-sum to the satisfaction of the jurisdictional court ;

(ii) The petitioner shall appear before the investigating officer in Crime No.7/2022 of Agatti Police Station, Union Territory of Lakshadweep , on every Saturday, at 11 am, until the filing of the final report;

(iii) Petitioner shall appear before the investigating officer in Crime No.7/2022 of Agatti Police Station, Union Territory of Lakshadweep as and when summoned to do so;

(iv) The petitioner shall not attempt to contact the *defacto* complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.7/2022 of Agatti Police Station, Union Territory of Lakshadweep;

(v) The petitioner shall not involve in any other crime while on bail.

If any of the aforesaid conditions are violated, the

investigating officer in Crime No.7/2022 of Agatti Police Station, Union Territory of Lakshadweep may file an application before the jurisdictional Court, for cancellation of bail.

It is made clear that it is within the power of the police to investigate the matter and if necessary to effect recoveries on the information if any given by the petitioner, even when the petitioner is on bail as per the judgment of the Apex Court in **Sushila Aggarwal and others v. State(NCT of Delhi) and another(2020(1)KHC 663)**

sm/

Sd/-
VIJU ABRAHAM
JUDGE