

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

WEDNESDAY, THE 17TH DAY OF APRIL 2024 / 28TH CHAITHRA,

1946

BAIL APPL. NO. 2578 OF 2024

CRIME NO.86/2024 OF CBCID, THIRUVANANTHAPURAM

PETITIONER/ACCUSED:

SYAMKRISHNA K.R., AGED 38 YEARS,
S/O. K.M. RAVEENDRAN PILLAI (LATE), ASWATHY,
MALAYAMADOM, KILIMANUR P.O.,
THIRUVANANTHAPURAM DISTRICT, PIN - 695601.

BY ADVS.
SRI P.VIJAYABHANU (SENIOR)
NANDITHA S.
P.M.RAFIQ
M.REVIKRISHNAN
AJEESH K.SASI
SRUTHY N. BHAT
RAHUL SUNIL
SRUTHY K.K
NIKITA J. MENDEZ
SOHAIL AHAMMED HARRIS P.P.

RESPONDENTS/COMPLAINANT:

- 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031.
- 2 SMT.PRASANNA, AGED 69 YEARS,
W/O. SATHYADEVAN, PRASANTHI HOUSE, NEDUMKOLAM
P.O., PARAVOOR VILLAGE, KOLLAM TALUK, KOLLAM
DISTRICT.
(IMPLEADED AS ADDL. R2 AS PER ORDER DATED
02/04/2024 IN CRL.MA.1/2024)

BY ADVS.
P.MARTIN JOSE
A.JANI (KOLLAM)
P.PRIJITH
THOMAS P.KURUVILLA

R.GITHESE
AJAY BEN JOSE
MANJUNATH MENON
SACHIN JACOB AMBAT
ANNA LINDA EDEN
HARIKRISHNAN S.
S.SREEKUMAR (SR.)
PUBLIC PROSECUTOR SMT.NIMA JACOB

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON
08.04.2024 ALONG WITH B.A.NO.2582/2024, THE COURT ON
17.04.2024 DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

WEDNESDAY, THE 17TH DAY OF APRIL 2024 / 28TH CHAITHRA, 1946

BAIL APPL. NO. 2582 OF 2024

CRIME NO.119/2024 OF Paravoor Police Station, Kollam

PETITIONER/1ST ACCUSED:

ABDUL JALEEL, AGED 48 YEARS
S/O. MOHAMMED ALI, PUTHANPEEDIKAYAL HOUSE, SCHOOL
PADY, MUDIKKAL P.O., PERUMBAVOOR, PIN - 683547.

BY ADVS.
S.RAJEEV
M.S.ANEER
V.VINAY
PRERITH PHILIP JOSEPH
ANILKUMAR C.R.
K.S.KIRAN KRISHNAN
NOURIN S. FATHIMA

RESPONDENTS/STATE:

- 1 STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, (CRIME NO 119/2024 OF PARAVOOR
POLICE STATION, KOLLAM), PIN - 682031.
- 2 STATION HOUSE OFFICER,
PARAVOOR POLICE STATION, (CRIME NO. 119/24 OF
PARAVOOR POLICE STATION, KOLLAM DISTRICT), PIN -
691301.
- 3 PRASANNA, AGED 69 YEARS,
W/O. SATHYADEVAN, PRASANTHI HOUSE, NEDUMKOLAM P.O.,
PARAVOOR VILLAGE, KOLLAM TALUK, KOLLAM DISTRICT-691
301

(IMPLEADED AS ADDL.R3 AS PER ORDER DATED 2/4/24 IN
CRL MA 1/24)

BY ADVS.
P.MARTIN JOSE
A.JANI (KOLLAM)
THOMAS P.KURUVILLA
R.GITESH
MANJUNATH MENON
AJAY BEN JOSE
SACHIN JACOB AMBAT
HARIKRISHNAN S.
ANNA LINDA EDEN

S. SREEKUMAR (SR.)
SMT. NIMA JACOB, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 08.04.2024
ALONG WITH B.A.NO.2578/2024, THE COURT ON 17.04.2024 DELIVERED
THE FOLLOWING:

“C.R”

A. BADHARUDEEN, J.

=====
B.A.No.2578 of 2024

and

B.A.No.2582 of 2024
=====

Dated this the 17th day of April, 2024

C O M M O N O R D E R

B.A.No.2582 of 2024 is an application for anticipatory bail at the instance of the 1st accused in Crime Branch Crime No.86/CB/TVM/R/2024 (Crime No.119 of 2024 of Paravoor Police Station, Kollam). 2nd accused in the same crime also seeks anticipatory bail in B.A.No.2578 of 2024, where the prosecution alleges commission of offence punishable under Section 306 r/w 34 of the Indian Penal Code ('IPC' for short), by accused Nos.1 and 2.

2. Heard the learned Senior Counsel appearing for the 1st accused Sri P.Vijaya Bhanu, Sri S.Rajeev the learned counsel appearing for the 2nd accused, the learned Senior Counsel Sri S.Sreekumar appearing for the defacto complainant and Smt.Nima Jacob, the learned Public Prosecutor also, in detail on 08.04.2024.

Then reserved for orders.

3. Precisely telling, the prosecution allegation is that XXXX (name imaginary), an Assistant Public Prosecutor committed suicide on 21.01.2024. Initially F.I.R under Section 174 of Cr.P.C was registered as Crime No.119/2024 of Paravoor Police Station, Kollam. Thereafter it was revealed from the suicide note of the deceased, which was allegedly prepared before committing suicide, and from other materials that the 1st accused, who is the immediate superior of the deceased and the 2nd accused, who is another Assistant Public Prosecutor attached to the other court in Paravoor Centre, are the persons behind committal of suicide by the deceased, since they had abetted the commission of suicide by XXXX. Accordingly, now the investigation has been going on alleging commission of offence punishable under Section 306 r/w 34 of the Indian Penal Code ('IPC' for short) as per Crime Branch Crime No. 86/CB/TVM/R/2024.

4. While canvassing anticipatory bail, the learned counsel appearing for the 1st accused zealously argued that the 1st accused is innocent and he, being the Deputy Director of Prosecutions, Kollam district empowered to supervise the functions of Assistant Public Prosecutors, with utmost *bona fides* done his duties and the same would include timely interference in the charge arrangements to

ensure smooth functioning of the courts. Further, the 1st accused is empowered to prepare the confidential reports (C.R) of the officials working under him, including that of APPs. It is argued that on perusal of the prosecution records, the official duties within the ambit and power of the 1st accused while supervising XXXX are stated to be the reasons for committing suicide. According to him, no ingredients to attract offence under Section 306 of IPC to be read out from the prosecution records as the same in no way suggests that the 1st accused intended by his official acts to instigate XXXX to commit suicide. He has given emphasis to Departmental Enquiry Report, produced as Annexure 1 along with B.A.No.2578/2024, to establish innocence of the 1st accused, where the allegations were found against.

5. The learned counsel for the 2nd accused also read the relevant paragraphs of the Departmental Enquiry Report and submitted that the usual mode of charge arrangements while taking leave by the 2nd accused and XXXX, who had been functioning as the APP of Judicial First Class Magistrate Courts-I and II, Paravoor respectively and the conference of APPs as part of the official duties are the base on which prosecution alleges commission of offence under Section 306 of IPC by the accused. It is submitted that the prosecution records do not justify any intentional instigation at the instance of the 2nd

accused in the matter of suicide by XXXX. According to the learned counsel, nothing was found in the Departmental Enquiry Report as to involvement of the 1st and 2nd accused to find abetment of commission of suicide by XXXX.

6. The learned counsel for the 2nd accused Advocate S.Rajeev placed decisions of the Apex Court and decisions of this Court, where the essentials, for attracting offence under Section 306 of IPC are dealt with, to canvass the point that no ingredients to constitute an offence under Section 306 of IPC are made out in the present case and, therefore, the 2nd accused would deserve anticipatory bail and he is ready to co-operate with the investigation. The decisions placed by Sri S.Rajeev are [2010 (6) Supreme 376 : (2010) 8 Scale 257 : (2010) 8 SCC 628], *Madan Mohan Singh v. State of Gujarat & anr.*; [2018 KHC 6435 : AIR 2018 SC 2659 : 2018 CriLJ 3389 : 2018 (7) SCC 781], *Vaijnath Kondiba Khandke v. State of Maharashtra & anr.*; [2023 KHC 7246 : 2023 KHC OnLine 7246 : 2023 INSC 1035 : 2023 SCC OnLine SC 1598 : 2023 LiveLaw (SC) 1035], *Mohit Singhal v. State of Uttarakhand*; [2024 KHC 6097 : 2024 (1) KLD 427 : 2024 KHC OnLine 6097 : 2024 LiveLaw (SC) 166 : 2024 SCC OnLine SC 202], *Naresh Kumar v. State of Haryana*; [2017 (4) KLJ 882], *Sindhu Paul & anr. v. State of Kerala & anr.*

7. Similarly, the learned Senior Counsel Sri Vijaya Bhanu also placed decisions reported in [(2020) 5 SCC 1], *Sushila Aggarwal & Ors. v. State (NCT of Delhi) & anr.*; [2024 ICO 297], *Kumar alias Shiva Kumar v. State of Karnataka*; [MANU/SC/0171/2024], *Prabhat Kumar Mishra v. The State of U.P & Ors.*, on this point while pressing for anticipatory bail to the 1st accused with offer to co-operate with the investigation.

8. The learned Senior Counsel Sri S.Sreekumar appearing for the defacto complainant (got impleaded as additional 2nd respondent in B.A.No.2578/2024 and as additional 3rd respondent in B.A.No.2582/2024 in this matter, who is the mother of the XXXX) fervently opposed grant of anticipatory bail to the petitioners highlighting the seriousness of the offence and also pointing out the necessity of custodial interrogation to have meaningful investigation. It is submitted by the learned Senior Counsel that in this occurrence though there is a Departmental Enquiry Report in favour of the petitioners, the same is at the instance of another Deputy Director of Prosecution, who is similarly ranked as that of the 1st accused and the said report was intended to help the petitioners. Therefore much credibility could not be given to the said report to hold that the accused are innocent. It is submitted further that Departmental

Enquiry Report is not the final word to decide upon the innocence of the accused. The learned counsel pressed for the necessity of reading the suicide note to find out whether the prosecution allegation is made out, *prima facie*, so as to deny anticipatory bail to the petitioners.

9. The learned Public Prosecutor shared the argument at the instance of the defacto complainant.

10. Coming to the ingredients to attract offence under Section 306 of I.P.C, as defined under Section 107 of I.P.C, reference to Section 306 and 107 of IPC is necessary. Section 306 of the IPC reads as under:

“306. Abetment of suicide :- If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

11. Thus, the basic ingredients to constitute an offence under S.306 of the IPC are suicidal death and abetment thereof. Abetment of a thing is defined under S.107 IPC as under:-

*“107 : Abetment of a thing:- A person abets the doing of a thing, who –
First. - Instigates any person to do that thing; or Secondly.- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or
Thirdly.- Intentionally aids, by any act or illegal omission, the doing of that thing.
Explanation 1. - A person who by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to*

instigate the doing of that thing.

Explanation 2.- Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitate the commission thereof, is said to aid the doing of that act.

12. The Apex Court in ***Geo Varghese v. State of Rajasthan and another***, 2021 (19) SCC 144, has considered the provisions of S.306 IPC along with the definition of abetment under Section 107 IPC observed as under:-

“13. S.306 of IPC makes abetment of suicide a criminal offence and prescribes punishment for the same.

Xxx xxx xxx”

13. The ordinary dictionary meaning of the word ‘instigate’ is to bring about or initiate, incite someone to do something. The Apex Court in ***Ramesh Kumar v. State of Chhattisgarh***, 2001 (9) SCC 618, has defined the word ‘instigate’ as under:-

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do “an act”.”

14. The scope and ambit of S.107 IPC and its co-relation with S.306 IPC has been discussed repeatedly by the Apex Court. In ***S.S.Cheena v. Vijay Kumar Mahajan and Anr.***, 2010 (12) SCC 190, it was observed as under:-

25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to

convict a person under S.306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.

15. The Apex Court in ***M.Arjunan v. State, represented by its Inspector Police***, 2019(3) SCC 315], while explaining the necessary ingredients of S.306 IPC in detail, observed as under:-

7. *The essential ingredients of the offence under S.306 IPC are: (i) the abetment; (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under S.306 IPC.*

16. Summarising the essentials to constitute an offence punishable under Section 306 of IPC, the ingredients are two fold: viz., (i) the abetment; and (ii) the intention of the accused to aid or instigate or abet the deceased to commit suicide. The act of the accused, however, insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act/s to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under S.306 IPC. Abetment involves a mental process of

instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under S.306 IPC there has to be a clear *mens rea* to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide. When tracing the ingredients to constitute an offence under Section 306 of IPC, there must be allegation that the accused had instigated the deceased to commit suicide or the accused engaged with some other person in conspiracy and the accused had in any way aided any act or illegal omission to bring out the suicide. The intention of the accused to aid or instigate or to affect the deceased to commit suicide is a must for the offence punishable under Section 306 of IPC.

17. Even though the ingredients to constitute an offence punishable under Section 306 of IPC in the *stricto sensu* is a matter to be considered after trial, at the time of considering bail plea, the Court is expected to analyse whether, *prima facie*, the ingredients to attract the said offence are made out. In this connection, the suicide note

written by the deceased is very crucial and I am inclined to refer the same.

18. Precisely, the suicide note alleged to be written, before committal of suicide by XXXX, starts with the narration about her career as Assistant Public Prosecutor from 27.03.2015. It has been stated in the suicide note that initially she joined as temporary Assistant Public Prosecutor on 27.03.2015. On completion of training, she joined before SDMC, Thalassery as permanent Assistant Public Prosecutor; then moved to Karunagappally. It is stated that no hazards were faced by her during that period.

19. The suicide note runs further stating that during her tenure as Assistant Public Prosecutor in Judicial First Class Magistrate Court-I, Kollam, one A.R Laiju, Assistant Public Prosecutor, joined in Judicial First Class Magistrate Court-II, Kollam. Before joining of A.R.Laiju as Assistant Public Prosecutor in Judicial First Class Magistrate Court-II, Kollam, relationship between XXXX and Sri Girish Panchu, the then DDP was very good. Thereafter, relationship between XXXX and DDP became bad due to intervention of A.R.Laiju. Denial of leave by DDP to XXXX on 31.12.2023, the mental strain she suffered on the said count, while working on that day for and on behalf of the other APP also stated in the suicide note.

Some sort of official interference by the then DDP during his tenure and some unpleasant comments from A.R.Laiju while both of them occupied adjacent offices during the said period were also narrated. Entrustment to conduct retirement function of A.R.Laiju forcefully by Sri John to XXXX, and dissatisfaction of A.R.Laiju on the program, who expected a “five star send off”, also stated in the suicide note. Arrangement of the function by XXXX with assistance of Sri Roy also stated in the suicide note. It is stated that when the 1st accused joined as DDP, then Sri John, Sri Biffu and Shyamkrishna, the 2nd accused, made company with the 1st accused along with one Roy and they together went for tour and during this tour, John made a bad picture of XXXX before the 1st accused, as directed by A.R.Laiju. It has been stated further that Shyam (2nd accused) used to skip his duty as APP and his absence from duty without taking leave etc. also stated. It has been further stated that when the charge of Munsiff-Magistrate Court, Paravoor (the court of XXXX) was given to Judicial First Class Magistrate-II also, Shyam did not attend the duty and XXXX took the photograph of Shyam's office. Shyam came to know about this through the office staff of XXXX and he informed the same to the DDP. Then DDP called XXXX on the premise of conference, also stated in the suicide note.

20. Absence of Shyam for duty and favours given by the DDP to Shyam in the matter of charge arrangements are seen narrated. Return of the C.R submitted by XXXX by Asridha, a staff of DDP Office, stating that in the C.R of XXXX, self assessment was fully wrong. Thereafter, XXXX brought the C.R at the conference. During conference, the DDP made comments and stated that there was “disturbance” in Paravoor Court and when XXXX enquired upon the “disturbance”, he said nothing to be disclosed and said to XXXX to understand herself. The suicide note further states that her attempt to explain herself was denied. Further, during APPs conference on 19.01.2024, in the first column of C.R of XXXX, ‘A’ was put and in the remaining columns, ‘B’ was put, in the presence of others. Then it was stated that a complaint under the Right to Information Act was received by the DDP and it was doubted that XXXX was behind the complaint. Further XXXX was directed to attend the court works in other courts during night when she would be put under charge of additional courts. It is also stated that she had taken overdose medicine on 19.01.2024 night and she was tempted to die due to the mental cruelty. It was stated that on 19.01.2024 and days before, there was mental cruelty on the part of DDP persuading her to end her life.

21. Thus as per the suicide note containing 18 pages, XXXX

described the mental strain she suffered while working as APP in Judicial First Class Magistrate Court-I and thereafter in Munsiff-Magistrate Court, Paravoor. The APPs conference and the proceedings before and after the same made mental strain to XXXX and she committed suicide on account of the said mental strain, are the sum and substance of the suicide note. The case diary contains statements of many persons, who received whats-app messages highlighting the mental strain XXXX suffered and their statements also were recorded by the police.

22. In the Departmental enquiry report produced as Annexure 1 in B.A.No.2578/2024, Smt.Sheeba, the Enquiry Officer and Deputy Director of Prosecution of Headquarters recorded statements of 37 persons inclusive of the DDP and 17 other APPs. That apart, the statements of Smt.Chithralekha N.S, Judicial First Class Magistrate Court-II, Paravoor and Smt.Aparna.V, Judicial First Class Magistrate Court-I (Munsiff-Magistrate Court, Paravoor) were referred. During Departmental enquiry, the statement of the husband of XXXX was also recorded.

23. In this matter, F.I.S was given by the husband of XXXX. During Departmental enquiry, all APPs except one stated that during the conference of APPs, DDP pointed out the duties of Office

Attendants and the works they would not be entrusted and they would be entrusted and XXXX entrusted. But one APP given statement that then XXXX explained what she had done and in reply to the same, the DDP said that he would issue a memo in this regard. Then she asked why those comments were made in public, then the DDP said it would be said in public to avoid allegation by saying in secrecy. In the Departmental enquiry report, entrustment of duties to APPs when the other APPs would be taking leave as part of usual charge, could be seen. As per Annexure-1, the allegations against the petitioners and others were found against.

24. On perusal of the case diary including the suicide note, XXXX committed suicide on 21.01.2024 for the reasons stated in the suicide note.

25. Since this Court is considering only anticipatory bail plea at the instance of accused 1 and 2, the questions to be considered by this Court are, (i) whether there are *prima facie* materials to show commission of offence under Section 306 of IPC by accused Nos.1 and 2/petitioners?; and (ii) whether arrest, detention and custodial interrogation of the petitioners are necessary to effectuate meaningful investigation?

26. Here the petitioners are Deputy Director of Prosecution,

Kollam district and Assistant Public Prosecutor, Judicial First Class Magistrate Court-II, Paravoor, Kollam. It is discernible from Annexure-1 that XXXX joined as APP before the Munsiff-Magistrate Court, Paravoor on 02.08.2021 and the pendency in the said court is only 700 (criminal cases). Similarly, Shyamkrishna joined as APP in Judicial First Class Magistrate Court-II, Paravoor on 01.11.2022 and the pendency as per Annexure-A1 is 16,000. When XXXX had been working as APP in Munsiff-Magistrate Court, only in 3 days criminal work would be attended, since the other 3 days are meant for dealing with civil cases as the court is Munsiff-Magistrate Court. Thus XXXX would be free for other 3 days.

27. Coming to Judicial First Class Magistrate Court-II, the same is a court dealing with criminal matters on all days and the pendency as per Annexure-1 is 16,000. It is discernible that when one APP in the same station would apply for leave, APPs available in the same station would be given charge and the same is the usual procedure being followed. When APP in one station is granted leave and when there is no other APPs in the station, then APPs of other stations would be given charge appropriately, to effectuate functions of the court in urgent matters including custody, remand, bail applications etc.

28. In Annexure-1 report, recording of statement of Smt.Aparna, Munsiff-Magistrate, Paravoor and recording of statement of Smt.Cheitralkha, Judicial First Class Magistrate-II, Paravoor with its summary is stated. In the statement of Smt.Aparna it has been mentioned that XXXX was the APP of her court and Thursday to Saturday are meant for criminal work. It was stated that XXXX was co-operative with the functions of the court and she used to take leave due to health problems. During her leave, Sri Shyamkrishna, APP (attached to the JFCMC-II) appeared during bail hearing and passing orders also mentioned. She also stated about receipt of 2 messages sent on 20.01.2024 alleging mental harassment from DDP.

29. Smt.Chitralkha stated that there was criminal trial on all days in JFCMC-II and Sri Shyamkrishna was the APP. When Shyamkrishna would be on leave, the cases, where the presence of APP was a must, used to adjourn to the next day. Further, on 08.01.2024 and 09.01.2024 when Shyamkrishna was on leave, XXXX was put in charge, but she was not called for examination of witnesses or for hearing matters. Thus it appears from Annexure-1, based on the statements of respective Magistrates that during charge arrangement, XXXX attended only for urgent works and not for hearing or for examining the witnesses.

30. On evaluation of the materials, as I have already pointed out, *prima facie*, the same would suggest that XXXX committed suicide because of mental strain she suffered in her official duties by the intervention of the 1st accused and the other APPs, including the 2nd accused. But the material point to make the above persons culpable is based on the question; whether they intended by their acts to instigate XXXX to commit suicide. It is relevant to note that the prosecution allegations are related to the official acts of XXXX, the petitioners and other APPs and in such a case whether the accused or other persons named in the suicide note instigated commission of suicide by XXXX is decisive to impose criminal culpability upon them, for which sufficient materials by proper investigation to be brought into. This material aspect would require thorough investigation and I leave the same to the province of the Investigating Officer with direction to him to investigate the same fairly and accurately without leaving any room for any allegations.

31. On evaluation of the entire materials, effective investigation in this crime is possible even without detention of the petitioners in custody since the allegations are the outcome of official duties of the deceased and the accused. Therefore, by granting opportunity to the Investigating Officer to effectuate meaningful

investigation with specific direction to the petitioners to subject themselves for interrogation for the purpose of investigation, they can be enlarged on anticipatory bail by imposing conditions.

32. Accordingly the petition stands allowed on the following conditions:

- i The petitioners shall appear before the Investigating Officer for 3 days, ie. on 19.04.2024, 20.04.2024 and 22.04.2024, in between 10 a.m and 4 p.m, for interrogation. They shall also appear before the Investigating Officer on other days, as directed by the Investigating Officer. The Investigating Officer can interrogate them and on completion of interrogation, if they will be arrested, they shall be produced before the jurisdictional court on the date of arrest itself.
- ii On such production, the jurisdictional court shall release the petitioners on bail on their executing bonds for Rs.50,000/- (Rupees Fifty Thousand Only) each with two solvent sureties each for the like amount to the satisfaction of the court.
- iii. It is specifically ordered that if the petitioners will be arrested the Investigating Officer can do the essential

requisites for the purpose of investigation during their deemed custody.

iv. Accused/petitioners shall not intimidate the witnesses or tamper with evidence. They shall co-operate with the investigation and shall be available for trial.

v. The accused/petitioners shall co-operate with the investigation in the matter of collection of records, at their option, to effectuate meaningful investigation.

vi. Accused/petitioners shall not leave India without prior permission of the jurisdictional court.

vii. Accused/petitioners shall not involve in any other offence during the currency of bail and any such event, if reported or came to the notice of this Court, the same shall be a reason to cancel the bail hereby granted.

Sd/-

(A. BADHARUDEEN, JUDGE)

rtr/